FEDERAL REGISTER

VOLUME 24 NUMBER 237

Washington, Saturday, December 5, 1959

Title 3—THE PRESIDENT

Proclamation 3327

HUMAN RIGHTS WEEK, 1959

By the President of the United States of America

A Proclamation

WHEREAS December 15, 1959, marks the one hundred and sixty-eighth anniversary of the adoption of our Bill of Rights, the first ten amendments to the Constitution of the United States; and

WHEREAS December 10, 1959, marks the eleventh anniversary of the adoption by the General Assembly of the United Nations of the Universal Declaration of Human Rights; and

WHEREAS the individual rights and freedoms set forth in the Bill of Rights constitute a vital part of the political heritage of each American citizen; and

WHEREAS promotion of the rights and freedoms declared in the Universal Declaration of Human Rights is a basic objective of the United Nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the period of December 10 to December 17, 1959, as Human Rights Week, and I call upon the citizens of the United States to observe these anniversaries by studying the Bill of Rights of the United States and the Universal Declaration of Human Rights of the United Nations, that we may grow in our understanding of the inherent dignity and the equal and inalienable rights of each member of the human family. In gratitude for the liberties that we enjoy, let us work to advance universal freedom and justice and stand ready to uphold the rights of others which are inextricably linked with our own.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this third day of December in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 59-10348; Filed, Dec. 3, 1959; 4:21 p.m.]

Executive Order 10856

EXCUSING FEDERAL EMPLOYEES FROM DUTY FOR ONE-HALF DAY ON DECEMBER 24, 1959

By virtue of the authority vested in me as President of the United States, it is hereby ordered that employees of the several executive departments, independent establishments, and other governmental agencies, including the General Accounting Office, the Government Printing Office, and the field services of the respective departments, establishments, and agencies of the Government, except those who may for special public reasons be excluded from the provisions of this order by the heads of their respective departments, establishments, or agencies, or those whose absence from duty would be inconsistent with the provisions of existing law, shall be excused from duty for one-half day on Thursday, December 24, 1959, the day preceding Christmas Day; and such one-half day shall be considered a holiday within the meaning of Executive Order No. 10358 of June 9, 1952, and of all statutes so far as they relate to the compensation and leave of employees of the United States.

The heads of departments, agencies, and independent establishments shall, to the extent consistent with the needs of the service, adopt a liberal policy for the granting of annual leave to all employees

(Continued on p. 9765)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

REpublic 7-7500 Extension 3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

CODIFICATION GUIDE—Con.

who wish to take such leave over the holiday period.

This order shall not be construed as excusing from duty those employees of the Department of State, the Department of Defense, or other departments, establishments, or agencies who for national security or other public reasons should, in the judgment of the respective heads thereof, be at their posts of duty.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
December 3, 1959.

[F.R. Doc. 59-10334; Filed, Dec. 3, 1959; 1:16 p.m.]

RULES AND REGULATIONS

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 39; Amdt. 40-21]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATIONS RULES

Approval of Air Carrier Training Programs; Qualification of Pilots Other Than Pilots in Command; Proficiency Checks for Pilots Other Than Pilots in Command

The Federal Aviation Agency published as a notice of rule making (24 F.R. 5246) and circulated as Civil Air Regulations Draft Release No. 59-3, dated June 25, 1959, a proposal to amend Part 40 of the Civil Air Regulations to require: (1) FAA approval of air carrier training programs; (2) appropriate aircraft ratings for pilots serving as other than pilots in command; and (3) more specific initial training and recurrent proficiency checks for pilots serving as other than pilots in command.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented. Because of the importance of this amendment, each portion thereof has been evaluated in the light of such comments.

1. *FAA approval of air carrier training programs.* The air carriers commenting on this portion of the proposal expressed strong opposition to it. Briefly, the air carriers contend that the present regulatory scheme for the establishment of methods and procedures for crew member training programs has been adequate and that no justification has been shown for requiring FAA approval of such programs. The FAA is unable to agree with these contentions.

It must be emphasized that the training program is one of the most important factors in the safety of air carrier operations. The quality and scope of such programs are the key to insuring that all crew members are competent to perform their duties with the high degree of skill expected and required in air carrier operations. Under the provisions of the present regulation, the air carriers are given discretion in establishing "adequate" or "appropriate" training, or "training as necessary." As a result some air carriers have prepared and are administering excellent training programs. However, others have not achieved the minimum safety objective sought by the training requirements of §§ 40.280 through 40.289. While the methods and procedures employed by the various air carriers in their training programs may differ to fit the particular operation of each air carrier, each training program must provide a uniform and minimum standard of flight and ground training necessary for safety in air transportation. Experience in the administration of the present regulations shows that this standard can only be achieved by FAA approval of each training program.

Accordingly, because of the vital importance which the air carrier training program has to safety in air carrier operations, each air carrier subject to this part will be required to obtain approval of its training program by a representative of the Administrator.

This final regulation will not alter the responsibility which each air carrier has at present for the preparation and administration of its training program. However, each air carrier will be required to submit its training program, and subsequent changes thereto, to the FAA for prior approval.

2. *Initial training qualifications of pilots other than pilots in command.* The complexity of modern aircraft and the operational demands of today's navigation, communication, and air traffic control systems require a high level of skill and competance for air carrier copilots. Many of the functions which are required of the copilot, particularly with respect to emergency procedures, must be performed properly or the safety of the flight may be seriously affected. In addition, in the event that the pilot in command becomes incapacitated during flight, the copilot must possess adequate knowledge and skill to fly the aircraft safely to a destination.

In order to properly determine the ability of the copilot to operate a particular type of aircraft, it was proposed in Draft Release 59-3 to provide for the issuance of appropriate aircraft type ratings for all pilots serving as other than pilots in command. However, upon reevaluation of the original proposal in the light of comments received, it appears that the objective of the original proposal can be achieved without requiring pilots serving other than as pilots in command to obtain an appropriate aircraft type rating, provided adequate flight training for those pilots who serve as second in command is provided in the initial and recurrent training requirements of this part and is part of the training program approved by the Administrator.

Accordingly, the original proposal has been modified in this regulation by omitting the aircraft type rating requirement. In lieu of a type rating, this regulation prescribes in § 40.282(c) certain minimum maneuvers and procedures in which it is considered necessary that pilots serving as second in command be proficient, and requires that they receive instruction and practice in such maneuvers and procedures during initial flight training.

The term "second in command" is used in this regulation in order to identify more precisely those pilots who perform the traditional functions of a copilot, as distinguished from the pilot in command and other pilots. In this respect, this regulation amends current § 40.261(c) to make it clear that where the air carrier is authorized to operate under instrument conditions or operates aircraft of more than 12,500 pounds maximum

certificated weight, the minimum pilot crew shall consist of a pilot in command and a pilot designated as second in command. An appropriate definition of "second in command" is added by this regulation. In keeping with these changes, an appropriate amendment is also being made to § 40.301.

It is considered that pilots qualifying to serve on airplanes other than as pilot in command or as second in command should, in the interest of safety, be required to receive the flight training specified in § 40.282(a) and demonstrate their ability to take off and land each type of airplane in which they are to serve, in addition to accomplishing the other training requirements provided in §§ 40.280 and 40.281. Accordingly, such a requirement is prescribed in this regulation.

3. *Proficiency checks for pilots other than pilots in command.* In order to make certain that all pilots serving as second in command are initially proficient and continue to maintain their proficiency to pilot and navigate, and to perform their duties on, aircraft to which they are assigned for duty, it was proposed in Draft Release 59–3 to require proficiency checks to be given such pilots prior to their initial assignment to duty and twice each 12 months thereafter by a check pilot or a representative of the Administrator.

As indicated in the draft release, the present method of having the second in command checked by the pilot in command during daily operations is not an adequate method by which the continued proficiency of the second in command can be determined. Although the air carriers were opposed to this requirement, the Agency remains firm in its belief that in order to make certain that all pilots serving as second in command are initially proficient and continue to maintain such proficiency, they must be given a proficiency check by a designated check pilot or a representative of the Administrator. However, upon reconsideration of the original proposal in the light of comments received, the Administrator has concluded that an adequate level of safety will be maintained if such proficiency checks are given only once each 12 months to pilots serving as second in command. Accordingly, such requirements are reflected in this amendment.

In Draft Release 59–3, it was proposed to include in the proficiency check at least the takeoffs and landings and other flight maneuvers generally covered in § 40.282(a). However, the original proposal is being modified by this amendment to provide that the proficiency check for a pilot serving as second in command shall include an oral or written equipment examination, and at least the procedures and flight maneuvers specified in the new § 40.282(c).

Comment received indicated that interested persons opposing Draft Release 59–3 believed the proposal would require copilots to acquire and demonstrate the same level of proficiency as is presently required of pilots in command. The Administrator wishes to make it clear that identical proficiency standards will not be required for such pilots. Under the provisions of Part 40, a pilot assigned to perform copilot duties as second in command is required to hold a commercial pilot certificate and instrument rating, whereas a pilot in command is required to hold the higher rating of an airline transport pilot certificate with appropriate aircraft type ratings. In view of the difference in the certification requirements, pilots serving as second in command will not be held to the high degree of skill required of a pilot in command. However, they will be required to demonstrate that they possess the knowledge and skill to perform their duties as a copilot safely and efficiently, and to navigate and pilot the airplane to which they are assigned safely to a destination in the event the pilot in command becomes incapacitated during flight.

This final regulation is so drafted as to permit the air carriers to use the flight crew method of training and checking pilots. Air carriers utilizing this method have found that it has economic advantages over the method of training and checking crew members individually and is an effective method of standardizing training. Although initial flight training and some proficiency check maneuvers will make it necessary in the interest of safety for the check pilot to occupy one of the pilot positions, it appears that many maneuvers can be conducted safely using the flight crew concept of training and checking pilots.

This regulation is being made effective January 1, 1961. This effective date will allow air carriers subject to Part 40 sufficient time in which to obtain FAA approval of their training programs and to accomplish the initial demonstration check of pilots other than pilot in command required by this amendment. However, each air carrier will be required to submit its training program to the FAA for approval not later than May 1, 1960.

Although compliance with the requirements prescribed in this regulation may result in some additional costs to the air carriers, it appears that such costs are outweighed by the considerations of safety involved.

In consideration of the foregoing, the Federal Aviation Agency hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) as follows:

1. By adding a definition to § 40.5 to read as follows:

§ 40.5 Definitions.

* * * * *

Second in command. Second in command means a pilot other than the pilot in command who is designated by the air carrier to act as second in command of an airplane.

2. By amending § 40.261(c) to read as follows:

§ 40.261 Composition of flight crew.

* * * * *

(c) Where the air carrier is authorized to operate under instrument conditions or operate airplanes of more than 12,500 pounds maximum certificated weight, the minimum pilot crew shall consist of two pilots, one of whom shall be designated as pilot in command and the other as second in command.

§ 40.282 [Amendment]

3a. By adding a new sentence at the end of § 40.282(a) to read as follows: "A pilot qualifying to serve as other than pilot in command or as second in command shall demonstrate to a representative of the Administrator or to a check pilot his ability to take off and land each type of airplane in which he is to serve."

b. By adding a new paragraph (c) to § 40.282 to read as follows:

(c) Flight training for a pilot qualifying to serve as second in command shall include flight instruction and practice in at least the following maneuvers and procedures:

(1) In each type of airplane to be flown by him in scheduled operation:

(i) Assigned flight duties as second in command, including flight emergencies,
(ii) Taxiing,
(iii) Takeoffs and landings,
(iv) Climbs and climbing turns,
(v) Slow flight,
(vi) Approach to stall,
(vii) Engine shutdown and restart,
(viii) Takeoff and landing with simulated engine failure,
(ix) Conduct of flight under simulated instrument conditions, including instrument approach at least down to circling approach minimum and missed-approach procedures.

(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigation facilities and the letdown procedures used in normal operations. Except for those approach procedures for which the lowest minimums are approved, all other letdown procedures may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carrier.

§ 40.289 [Amendment]

5a. By amending § 40.289(b) by deleting the last sentence and inserting in lieu thereof a new sentence to read as follows: "Where the check of the pilot in command or second in command requires actual flight, such check shall be considered to have been met by the checks accomplished in accordance with §§ 40.302 and 40.305, respectively."

b. By amending § 40.289(c) by deleting the last sentence.

7. By adding a new § 40.290 to read as follows:

§ 40.290 Approval of training program.

The training program established under the provisions of §§ 40.280 through 40.289 by the air carrier shall meet with the approval of an authorized representative of the Administrator: *Provided,* That the curriculum of such training program shall be submitted in appropriate form to an authorized representative of the Administrator not later than May 1, 1960.

8. By amending § 40.300(b) to read as follows:

§ 40.300 Qualification requirements.

* * * * *

(b) Check airmen shall certify as to the proficiency of all pilots being examined, as required by §§ 40.302, 40.303, and 40.305, and such certification shall become a part of the airman's record.

9. By amending § 40.301 to read as follows:

§ 40.301 Pilot recent experience.

No air carrier shall schedule a pilot in command or second in command to serve as such in scheduled air transportation unless within the preceding 90 days he has made at least 3 takeoffs and 3 landings in the airplane of the particular type on which he is to serve.

10. By amending § 40.305 to read as follows:

§ 40.305 Proficiency check; second in command.

(a) An air carrier shall not utilize a pilot as second in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate airplanes to be flown by him and to perform his assigned duties. Thereafter, he shall not serve as second in command unless each 12 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type. The pilot proficiency check shall include at least an oral or written equipment examination, and the procedures and flight maneuvers specified in § 40.282(c)(1). The pilot proficiency check may be demonstrated from either the right or left pilot seat.

(b) Subsequent to the initial pilot proficiency check for the second in command, an approved course of training in an airplane simulator which meets the requirements of § 40.302(b)(3), if satisfactorily completed, may be substituted at alternate 12-month intervals for the proficiency check required by paragraph (a) of this section.

(c) Satisfactory completion of the proficiency check in accordance with the requirements of § 40.302(b) will also meet the requirements of this section.

The provisions of this amendment shall become effective January 1, 1961, except as otherwise provided in § 40.290.

(Secs. 313(a), 601, 604, 605, 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424, 1425)

Issued in Washington, D.C., on December 1, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-10299; Filed, Dec. 4, 1959; 8:49 a.m.]

[Reg. Docket No. 42; Amdt. 40-22]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Maximum Age Limitations for Pilots

Notice was given in Draft Releases 59-6 (24 F.R. 5247) that a proposal was under consideration to amend Parts 40, 41 and 42 of the Civil Air Regulations to provide, in part, maximum age limits for utilizations of pilots in air carrier operations by an air carrier.

It was pointed out in the draft release that the number of active air carrier pilots age 60 or over has been increasing significantly in recent years, that pilots in this age group are being employed in the carriage of a substantial number of passengers, both in piston and jet powered aircraft, and that this number will increase substantially within the next few years. Absent some limitation in the regulations, this condition could continue until a number of active pilots have, within the next 5 years, reached ages 65 to 70, and together with the then larger group over age 60 become increasingly responsible for a growing percentage of air carrier operations.

The draft release points out the reasons indicating that a hazard to safety is presented by utilization of pilots of these ages in air carrier operations. These include the fact that there is a progressive deterioration of certain important psysiological and psychological functions with age, that significant medical defects attributable to this degenerative process occur at an increasing rate as age increases, and that sudden incapacity due to such medical defects becomes significantly more frequent in any group reaching age 60.

Such incapacity, due primarily to heart attacks and strokes, cannot be predicted accurately as to any specific individual on the basis of presently available scientific tests and criteria. On the contrary, the evidences of the aging process are so varied in different individuals that it is not possible to determine accurately with respect to any individual whether the presence or absence of any specific defect in itself either led to or precluded a sudden incapacitating attack. Any attempt to be selective in predicting which individuals are likely to suffer an incapacitating attack would be futile under the circumstances and would not be medically sound. Such a procedure, in light of the knowledge that a substantial percentage of any group of persons will suffer from such attacks after reaching age 60, would therefore be ineffective in eliminating the hazard to safety involved.

This conclusion is emphasized by the fact that, in the case of one large group under medical supervision over an extended period, some 85% of the persons who had a heart attack for the first time had the attack within six months to a year after a thorough medical examination had found the individual in a condition normal to his age and without any evidence to suggest the imminence of such an attack. In addition, the general good health of an individual, or the appearance of good health, are not determinative as to whether he will suffer a heart attack from the conditions that are normal as a result of age.

Other factors, even less susceptible to precise measurement as to their effect but which must be considered in connection with safety in flight, result simply from aging alone and are, with some variations, applicable to all individuals. These relate to loss of ability to perform highly skilled tasks rapidly, to resist fatigue, to maintain physical stamina, to perform effectively in a complex and stressful environment, to apply experience, judgment and reasoning rapidly in new, changing and emergency situations, and to learn new techniques, skills and procedures. The progressive loss of these abilities generally starts well prior to age 60; and, even though they may be significant in themselves prior to age 60, they assume greater significance at the older ages when coupled with the medical defects leading to increased risk of sudden incapacitation.

The older pilots as a group fly the largest, highest-performance aircraft, carrying the greatest number of passengers over the longest non-stop distances, operating into and out of the most congested airports near the largest cities, and traveling in flight in and through traffic lanes with the highest density of air traffic. A great many of these flights involve the newest, largest, fastest and most highly powered jet aircraft. The possible hazards inherent in the older pilot's medical condition are entirely too serious to determine the question of safety by an attempt to balance the increased chances of an incapacitating attack against the possibility that the pilot might not be engaged in the carriage of a large number of passengers at the time of such an attack.

In exploring all the ramifications of the problems involved, the nature of air traffic and air carrier operations in the future has been considered. Present indications are that the very large increases that have taken place in recent years are small in relation to the increases yet to occur. Projection of the number of pilots who will be in the 60 to 70 year age group, in an era of extreme density and frequency of jet and piston air carrier operations involving many millions of passenger miles, indicates a probability of sudden incapacitation of some of these pilots in the course of flight. While medical science may at some future time develop accurate, validly selective tests which would safely allow selected pilots to fly in air carrier operations after age 60, safety cannot be compromised in the meantime for lack of such tests. This is particularly so in light of the statutory directives contained in section 601(b) of the Federal Aviation Act of 1958 that, "In prescribing standards, rules, and regulations * * * the Administrator shall give full consideration to the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest * * *", and that, "The

Administrator shall exercise and perform his powers and duties under this Act in such a manner as will best tend to reduce or eliminate the possibility of, or recurrence of, accidents in air transportation * * *."

To the extent that a progressive loss of certain abilities generally starts well prior to age 60, further consideration is required of those aspects of safety in flight concerned with factors other than incapacitation. Especially with the development and increasing use of larger and higher performance aircraft and more complicated traffic conditions, growing importance attaches to the ability of pilots to learn new techniques, skills, and procedures, and to unlearn and discard previously learned and well-established patterns of behavior.

For this reason, the draft proposal included a provision to establish age 55 as the age prior to which an individual must obtain a type-rating for turbo-jet powered aircraft in power to act as pilot-in-command for such aircraft in air carrier service. Age 55 was selected on the basis that it marks the point at which the detrimental effects of age on physiological and psychological functions have become significant.

All interested persons have been given an opportunity to comment and all comments received have been given careful consideration. Many strong arguments were made, both in favor of and against the draft proposal. Some of the comments in favor of the proposal recommended more stringent action than that now being taken in this amendment, and referred to opinions and conclusions more far-reaching than those expressed above. Some of these were received from active airline pilots, although a majority of those identifying themselves as airline pilots from whom comments were received were adverse to the proposal.

The Air Transport Association, representing the major air carriers, was in favor of the proposal as to age 60. The Air Line Pilots Association, from which most complete and voluminous comments were received, was opposed to all proposals, but offered no practicable substitute to achieve the safety aims of this amendment. The position taken was that qualification of a pilot should be determined on an individual selection basis without any limitation as to chronological age. This is rejected as an inadequate safety standard in light of the present inability of medical science to provide a reliable and valid basis for selection.

Some requests for a public hearing were received. In the rule-making process, a public hearing has basically the same purpose as written comments, namely, to inform the Agency of the facts and opinions of the public concerning the proposed rule. It serves a useful purpose, however, when it provides something more than usually is obtained from written comments. Normally, this would involve situations where facts and views cannot be expressed adequately by written comments, where written comments cannot properly be evaluated without further development in a public hearing, or where written comments which have been received raise new issues which require further public consideration and this can be accomplished most satisfactorily and expeditiously in a hearing.

Comments were received covering all the issues involved in the proposed rule. They have been most carefully evaluated with respect to their bearing on some of the requests that were received for a public hearing. In respect to the provision to establish age 55 as the age prior to which an individual must obtain a type-rating for turbojet powered aircraft, it is possible that a hearing may produce further information or data not already encompassed in the scope of the comments received. The comments and other data available appear to be sufficiently precise and determinative in connection with the provisions applicable to utilization of a pilot after attainment of age 60. In this connection, the requests for a public hearing did not indicate any area that the comments have not covered adequately nor was any showing made that they could not be evaluated properly without a public hearing. They did not point out any issue that was not previously considered. On this point a public hearing is likely to repeat opinions and evidence already submitted in the form of written comments. With respect to this provision of the proposed rule, therefore, it does not appear that a public hearing would serve a useful purpose; and it is not deemed necessary in the public interest.

After considering all of the comments received, I find that a public hearing is necessary and appropriate with respect to the proposal concerning eligibility to obtain a type-rating for turbojet powered aircraft after the attainment of age 55 and a notice for such a hearing on January 7, 1960, is being issued. I find further that establishment of a maximum age of 60 for pilots utilized by air carriers in air carrier operations is necessary for safety in air commerce and is in the public interest.

In consideration of the foregoing, § 40.260 of Part 40 of the Civil Air Regulations (14 CFR Part 40) is hereby amended by designating the present text of the section following the caption as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 40.260 Utilization of airman.

* * * * *

(b) No individual who has reached his 60th birthday shall be utilized or serve as a pilot on any aircraft while engaged in air carrier operations.

This amendment shall become effective on March 15, 1960.

(Secs. 313(a), 601, 602, 604, 72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354(a), 1421, 1422, 1424)

Issued in Washington, D.C., on December 1, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-10300; Filed, Dec. 4, 1959; 8:49 a.m.]

[Reg. Docket No. 39; Amdt. 41-28]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Approval of Air Carrier Training Programs; Qualification of Pilots Other Than Pilots in Command; Proficiency Checks for Pilots Other Than Pilots in Command

The Federal Aviation Agency published as a notice of rule making (24 F.R. 5246) and circulated as Civil Air Regulations Draft Release No. 59-3, dated June 25, 1959, a proposal to amend Part 41 of the Civil Air Regulations to require: (1) Essentially the same training program requirements in Part 41 as are currently contained in Part 40; (2) FAA approval of air carrier training programs; (3) appropriate aircraft ratings for pilots serving as other than pilots in command; and (4) more specific initial training and proficiency checks for pilots serving as other than pilots in command.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented. Because of the importance of this amendment, each portion thereof has been evaluated in the light of such comments.

1. *Training program requirements for Part 41.* Parts 40 and 42 of the Civil Air Regulations currently require each air carrier to establish a training program sufficient to insure that each crew member used by the air carrier is adequately trained and maintains adequate proficiency to perform the duties to which he is assigned. Part 41 of the Civil Air Regulations currently required periodic instruction to be given all pilots, but does not contain a specific requirement for the establishment of a training program for each crew member.

Accordingly, as proposed in Draft Release 59-3, in the interest of safety and uniformity in air carrier operations, this amendment incorporates into Part 41 training program requirements essentially the same as those contained in Part 40. In adopting the training program requirements prescribed herein, due consideration has also been given to all comments received in response to Civil Aeronautics Board Draft Release No. 58-24 dated December 24, 1958 (24 F.R. 145) which proposed, among other things, training program requirements for Part 41 essentially the same as those now contained in Part 40.

2. *FAA approval of air carrier training programs.* The air carriers commenting on this portion of the proposal expressed strong opposition to it. Briefly, the air carriers contend that the present regulatory scheme for the establishment of methods and procedures for crew member training programs has been adequate and that no justification has been shown for requiring FAA approval of such programs. The Federal Aviation

Agency is unable to agree with these contentions.

It must be emphasized that the training program is one of the most important factors in the safety of air carrier operations. The quality and scope of such programs are the key to insuring that all crew members are competent to perform their duties with the high degree of skill expected and required in air carrier operations. Under the provisions of the present regulation, the air carriers are given discretion in establishing "adequate" or "appropriate" training, or "training as necessary." As a result some air carriers have prepared and are administering excellent training programs. However, others have not achieved the minimum safety objective sought by the training requirements of section 41.53. While the methods and procedures employed by the various air carriers in their training programs may differ to fit the particular operation of each air carrier, each training program must provide a uniform and minimum standard of flight and ground training necessary for safety in air transportation. Experience in the administration of the present regulations shows that this standard can only be achieved by FAA approval of each training program.

Accordingly, because of the vital importance which the air carrier training program has to safety in air carrier operations, each air carrier subject to this part will be required to obtain approval of its training program by a representative of the Administrator.

This final regulation will not alter the responsibility which each air carrier has at present for the preparation and administration of its training program. However, each air carrier will be required to submit its training program, and subsequent changes thereto, to the Federal Aviation Agency for prior approval.

3. *Initial training qualifications of pilots other than pilots in command.* The complexity of modern aircraft and the operational demands of today's navigation, communication, and air traffic control systems require a high level of skill and competence for air carrier copilots. Many of the functions which are required of the copilot, particularly with respect to emergency procedures, must be performed properly or the safety of the flight may be seriously affected. In addition, in the event that the pilot in command becomes incapacitated during flight, the copilot must possess adequate knowledge and skill to fly the aircraft safely to a destination.

In order to properly determine the ability of the copilot to operate a particular type of aircraft, it was proposed in Draft Release 59-3 to provide for the issuance of appropriate aircraft type ratings for all pilots serving as other than pilots in command, or as second in command of an aircraft requiring three or more pilots.

Part 41 currently provides for two different types of pilot crew complements: namely, (a) a two-pilot crew and (b) a three or more pilot crew. With respect to the two-pilot crew, upon reevaluation of the original proposal in light of comments received, it appears that the objective of the original proposal can be achieved without requiring the second in command in a two-pilot crew to obtain an appropriate aircraft type rating, provided adequate flight training for such a pilot is provided in the initial and recurrent training requirements of this part and is part of the training program approved by the Administrator.

Accordingly, the original proposal has been modified in this regulation by omitting the aircraft type rating requirement for the second in command in a two-pilot crew. In lieu of a type rating, this regulation prescribes in § 41.53b(c) certain minimum maneuvers and procedures in which it is considered necessary that pilots serving as second in command in a two-pilot crew be proficient, and requires that they receive instructions and practice in such maneuvers and procedures during initial flight training.

With regard to an operation requiring a crew combination of three or more pilots, Part 41 presently provides that the pilot in command and second in command shall hold valid airline transport pilot certificates and ratings for the aircraft when serving in such a crew combination. Since the pilot designated as second in command in a crew requiring three or more pilots is required by the present regulations to have the same basic qualifications as the pilot in command, it is deemed reasonable to require such second in command to be initially trained on the aircraft to a degree of proficiency commensurate to that of the pilot in command. Accordingly, the provisions of this amendment require a pilot serving as second in command in an operation requiring three or more pilots to comply with the same initial training requirements as apply to the pilot in command.

With respect to pilots other than the pilot in command and second in command in a crew complement requiring three or more pilots, the original proposal has been modified so as not to require such pilots to obtain an aricraft type rating. In lieu of a type rating, this regulation requires in the interest of safety that such pilots accomplish the initial training prescribed in § 41.53b(a). In this connection it should be understood that such pilots will not be required to comply with the training requirements specifically applicable to a pilot in command, or a second in command serving in a crew requiring three or more pilots.

4. *Proficiency checks for pilots other than pilots in command.* In order to make certain that all pilots serving as second in command are initially proficient and continue to maintain their proficiency to pilot and navigate, and to perform their duties on, aircraft to which they are assigned for duty, it was proposed in Draft Release 59-3 to require proficiency checks to be given such pilots prior to their initial assignment to duty and twice each 12 months thereafter by a check pilot or a representative of the Administrator.

Although the air carriers were opposed to this requirement, the Agency remains firm in its belief that in order to make certain that all pilots serving as second in command are initially proficient and continue to maintain such proficiency, they must be given a proficiency check by a designated check pilot or a representative of the Administrator. However, upon reconsideration of the original proposal in the light of comments received, the Administrator has concluded that an adequate level of safety will be maintained if such proficiency checks are given only once each 12 months to pilots serving as second in command. Accordingly, such requirements are reflected in this amendment.

In Draft Release 59-3, it was proposed to include in the proficiency check at least the takeoffs and landings and other flight maneuvers generally covered in § 41.53b(a). However, the original proposal is being modified by this amendment to provide that the proficiency check for the second in command of a two-pilot crew shall include an oral or written equipment examination, and at least the procedures and flight maneuvers specified in new § 41.53b(c).

The original proposal is also modified with respect to the second in command of a crew requiring three or more pilots to require the second in command to take the same proficiency check as is presently required for a pilot in command, except that the second in command is required to take the proficiency check only once each 12 months.

Comment received indicated that interested persons opposing Draft Release 59-3 believed the proposal would require copilots to acquire and demonstrate the same level of proficiency as is presently required of pilots in command. The Administrator wishes to make it clear that identical proficiency standards will not be required for such pilots. Under the provisions of Part 41, a pilot assigned to duty on an aircraft as second in command in a crew of two pilots is presently required to hold a commercial pilot certificate and instrument rating, whereas a pilot in command is required to hold the higher rating of an airline transport certificate with appropriate aircraft type ratings. In view of this difference in the certification requirements, pilots serving as second in command in two pilot crews will not be held to the high degree of skill required of a pilot in command. However, they will be required to demonstrate that they possess the knowledge and skill to perform their duties as a copilot safely and efficiently, and to navigate and pilot the airplane to which they are assigned safely to a destination in the event the pilot in command becomes in capacitated during flight.

This final regulation is so drafted as to permit the air carriers to use the flight crew method of training and checking pilots. Air carriers utilizing this method have found that it has economic advantages over the method of training and checking crew members individually and is an effective method of standardizing training. Although initial flight training and some proficiency check maneuvers will make it necessary in the interest of safety for the check pilot to occupy one of the pilot positions, it appears that many maneuvers can be

conducted safely using the flight crew concept of training and checking pilots.

This regulation is being made effective January 1, 1961. This effective date will allow air carriers subject to Part 41 sufficient time in which to obtain FAA approval of their training programs and to accomplish the initial demonstration check of pilots other than pilot in command required by this amendment. However, each air carrier will be required to submit its training program to the FAA for approval not later than May 1, 1960.

Although compliance with the requirements prescribed in this amendment may result in some additional costs to the air carriers, it appears that such costs are outweighed by the considerations of safety involved.

In consideration of the foregoing, the Federal Aviation Agency hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) as follows:

§ 41.52 [Amendment]

1. By deleting paragraph (a) of § 41.52.

2. By deleting § 41.53 and adding a new § 41.53, and §§ 41.53a through 41.53k to read as follows:

§ 41.53 Training requirements.

(a) Each air carrier shall establish a training program sufficient to insure that each crew member and dispatcher used by the air carrier is adequately trained to perform the duties to which he is to be assigned. The initial training phases shall be satisfactorily completed prior to serving in scheduled operations.

(b) Each air carrier shall be responsible for providing adequate ground and flight training facilities and properly qualified instructors. There also shall be provided a sufficient number of check airmen to conduct the flight checks required by this part. Such check airmen shall hold the same airman certificates and ratings as are required for the airman being checked.

(c) The training program for each flight crew member shall consist of appropriate ground and flight training including proper flight crew coordination. Procedures for each flight crew function shall be standardized to the extent that each flight crew member will know the functions for which he is responsible and the relation of those functions to those of other flight crew members. The initial program shall include at least the appropriate requirements specified in §§ 41.53a through 41.53e.

(d) The crew member emergency procedures training program shall include at least the requirements specified in § 41.53e.

(e) The appropriate instructor, supervisor, or check airman responsible for the particular training or flight check shall certify to the proficiency of each crew member and dispatcher upon completion of his training, and such certification shall become a part of the individual's record.

§ 41.53a Initial pilot ground training.

Ground training for all pilots shall include instruction in at least the following:

(a) The appropriate provisions of the air carrier operations specifications and appropriate provisions of the regulations of this subchapter with particular emphasis on the operation and dispatching rules and airplane operating limitations;

(b) Dispatch procedures and appropriate contents of the manuals;

(c) The duties and responsibilities of crew members;

(d) The type of airplane to be flown, including a study of the airplane, engines, all major components and systems, performance limitations, standard and emergency operating procedures, and appropriate contents of the approved Airplane Flight Manual;

(e) The principles and methods of determining weight and balance limitations for takeoff and landing;

(f) Navigation and use of appropriate aids to navigation, including the instrument approach facilities and procedures which the air carrier is authorized to use;

(g) Airport and airways traffic control systems and procedures, and ground control letdown procedures if pertinent to the operation;

(h) Meteorology sufficient to insure a practical knowledge of the principles of icing, fog, thunderstorms, and frontal systems; and

(i) Procedures for operation in turbulent air and during periods of ice, hail, thunderstorms, and other potentially hazardous meteorological conditions.

§ 41.53b Initial pilot flight training.

(a) Flight training for each pilot shall include at least takeoffs and landings, during day and night, and normal and emergency flight maneuvers in each type of airplane to be flown by him in scheduled operations, and flight under simulated instrument flight conditions.

(b) Flight training for a pilot qualifying to serve as pilot in command or as second in command in a crew requiring three or more pilots shall include flight instruction and practice in at least the following maneuvers and procedures:

(1) In each type of airplane to be flown by him in scheduled operations:

(i) At the authorized maximum takeoff weight, takeoff using maximum takeoff power with simulated failure of the critical engine. For transport category airplanes the simulated engine failure shall be accomplished as closely as possible to the critical engine failure speed (V_1), and climbout shall be accomplished at a speed as close as possible to the takeoff safety speed (V_2). Each pilot shall ascertain the proper values for speeds V_1 and V_2;

(ii) At the authorized maximum landing weight, flight in a four-engine airplane, where appropriate, with the most critical combinations of two engines inoperative, or operating at zero thrust, utilizing appropriate climb speeds as set forth in the Airplane Flight Manual;

(iii) At the authorized maximum landing weight, simulated pullout from the landing and approach configurations accomplished at a safe altitude with the critical engine inoperative or operating at zero thrust;

(iv) Suitable combination of airplane weight and power less than those specified in subdivisions (i), (ii), and (iii) of this subparagraph may be employed if the performance capabilities of the airplane under the above conditions are simulated.

(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the letdown procedures used in normal operations. If a particular type of facility is not available in the training area, such training may be accomplished in a synthetic trainer.

(c) Flight training for a pilot qualifying to serve as second in command in a crew requiring two pilots shall include flight instruction and practice in at least the following maneuvers and procedures:

(1) In each type of airplane to be flown by him in scheduled operation:

(i) Assigned flight duties as second in command, including flight emergencies,

(ii) Taxiing,

(iii) Takeoffs and landings,

(iv) Climbs and climbing turns,

(v) Slow flight,

(vi) Approach to stall,

(vii) Engine shutdown and restart,

(viii) Takeoff and landing with simulated engine failure,

(ix) Conduct of flight under simulated instrument conditions including instrument approach at least down to circling approach minimum and missed-approach procedures.

(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the letdown procedures used in normal operations. Except for those approach procedures for which the lowest minimums are approved, all other letdown procedures may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carrier.

§ 41.53c Initial flight navigator training.

(a) The training for flight navigators shall include the applicable portions of at least paragraphs (a) through (d), and (f) through (h) of § 41.53a.

(b) Prior to serving as a required flight crew member each flight navigator shall be given sufficient ground and flight training to become proficient in those duties assigned him by the air carrier. The flight training may be accomplished during scheduled flight under the supervision of a qualified flight navigator.

§ 41.53d Initial flight engineer training.

(a) The training for flight engineers shall include at least the instruction specified in § 41.53a (a) through (e).

(b) Flight engineers shall be given sufficient training in flight to become proficient in those duties assigned them by the air carrier. Except for emergency procedures, this training may be accomplished during scheduled flight under the supervision of a qualified flight engineer.

§ 41.53e Initial crew member emergency training.

(a) The training in emergency procedures shall be designed to give each crew member appropriate individual instruction in all emergency procedures, includ-

ing assignments in the event of an emergency, and proper coordination between crew members. At least the following subjects as appropriate to the individual crew member shall be taught: The procedures to be followed in the event of the failure of an engine, or engines, or other airplane components or systems, emergency decompression, fire in the air or on the ground, ditching, evacuation, the location and operation of all emergency equipment, and power setting for maximum endurance and maximum range.

(b) Synthetic trainers may be used for training of crew members in emergency procedures where the trainers sufficently simulate flight operating emergency conditions for the equipment to be used.

§ 41.53f Initial aircraft dispatcher training.

(a) The training program for aircraft dispatchers shall provide for training in their duties and responsibilities and shall include a study of the flight operation procedures, air traffic control procedures, the performance of the airplanes used by the air carrier, navigational aids and facilities, and meterology. Particular emphasis shall be placed upon the procedures to be followed in the event of emergencies, including the alerting of proper governmental, company, and private agencies to render maximum assistance to an airplane in distress.

(b) Each aircraft dispatcher shall, prior to initially performing the duty of an aircraft dispatcher, satisfactorily demonstrate to the supervisor or ground instructor authorized to certify to his proficiency, his knowledge of the following subjects:

(1) Contents of the air carrier operating certificate;

(2) Appropriate provisions of the air carrier operations specifications, manual, and regulations of this subchapter;

(3) Characteristics of the airplanes operated by the air carrier;

(4) Cruise control data and cruising speeds for such airplanes;

(5) Maximum authorized loads for the airplanes for the routes and airports to be used;

(6) Air carrier radio facilities;

(7) Characteristics and limitations of each type of radio and navigational facility to be used;

(8) Effect of weather conditions on airplane radio reception;

(9) Airports to be used and the general terrain over which the airplanes are to be flown;

(10) Prevailing weather phenomena;

(11) Sources of weather information available;

(12) Pertinent air traffic control procedures; and

(13) Emergency procedures.

§ 41.53g Recurrent training.

(a) Each air carrier shall provide such training as is necessary to insure the continued competence of each crew member and dispatcher and to insure that each possesses adequate knowledge of and familiarity with all new equipment and procedures to be used by him.

(b) Each air carrier shall, at intervals established as a part of the training program, but not to exceed 12 months, check the competence of each crew member and dispatcher with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Where the check of the pilot in command or second in command requires actual flight, such check shall be considered to have been met by the checks accomplished in accordance with §§ 41.53j or 41.53k, respectively.

(c) The appropriate instructor, supervisor, or check airman shall certify as to the proficiency demonstrated, and such certification shall become a part of the individual's record.

§ 41.53h Approval of training program.

The training program established by the air carrier under the provisions of §§ 41.53 through 41.53g shall meet with the approval of an authorized representative of the Administrator: *Provided,* That the curriculum of such training program shall be submitted in appropriate form to an authorized representative of the Administrator not later than May 1, 1960.

§ 41.53i Qualification requirements.

(a) No air carrier shall utilize any flight crew member or dispatcher, nor shall any such airman perform the duties authorized by his airman certificate, unless he satisfactorily meets the appropriate requirements of §§ 41.48, 41.50, 41.51; 41.53 or 41.53g; and 41.53j through 41.53k; and 41.68 through 41.88.

(b) Check airmen shall certify as to the proficiency of the pilot being examined, as required by §§ 41.50, 41.53j, and 41.53k, and such certification shall be made a part of the airman's record.

§ 41.53j Pilot checks; pilot in command.

(a) *Line check.* Prior to serving as pilot in command, and at least once each 12 months thereafter, a pilot shall satisfactorily accomplish a line check in one of the types of airplanes normally to be flown by him. This check shall be given by a check pilot who is qualified for the route. It shall consist of at least a scheduled flight over a typical portion of the air carrier's routes to which the pilot is normally assigned, and shall be of sufficient duration for the check pilot to determine whether the individual being checked satisfactorily exercises the duties and responsibilities of pilot in command.

(b) *Proficiency check.* (1) An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate airplanes to be flown by him. Thereafter, he shall not serve as pilot in command unless each 6 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type.

(2) The pilot proficiency check shall include at least the following:

(i) The flight maneuvers specified in § 41.53b(b)(1), except that the simulated engine failure during takeoff need not be accomplished at speed V_1, nor at actual or simulated maximum authorized weight.

(ii) Flight maneuvers approved by the Administrator accomplished under simulated instrument conditions utilizing the navigational facilities and letdown procedures normally used by the pilot: *Provided,* That maneuvers other than those associated with approach procedures for which the lowest minimums are approved may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carrier.

(3) Subsequent to the initial pilot proficiency check, an approved course of training in an aircraft simulator, if satisfactorily completed, may be substituted at alternate 6-month intervals for the proficiency check required by subparagraph (1) of this paragraph. The air carrier shall show that the flight characteristics, performance, instrument reaction, and control loadings of the applicable aircraft are accurately simulated in the aircraft simulator through all ranges of normal and emergency operations in accordance with subdivisions (i) through (vii) of this subparagraph.

(i) The simulator shall represent a full-scale mockup of the cockpit interior, including normal flight crew stations and accommodations for the instructor or check airman.

(ii) The effect of changes on the basic forces and moments shall be introduced for all combinations of drag and thrust normally encountered in flight. The effect of changes in airplane attitude, power, drag, altitude, temperature, gross weight, center of gravity locations, and configuration shall be included.

(iii) In response to control movement by a flight crew member, all instrument indications involved in the simulation of the applicable airplane shall be entirely automatic in character unless otherwise specified. The rate of change of simulator instrument readings and of control forces shall correspond to the rate of change which would occur on the applicable airplane under actual flight conditions, for any given change in the applied load on the controls, in the applied power or in aircraft configuration. Control forces and degree of actuating control travel shall correspond to that which would occur in the airplane under actual flight conditions.

(iv) Through the medium of instrument indication, it shall be possible to use the simulator for the training and checking of a pilot in the operational use of controls and instruments on the applicable airplane model during the simulated execution of ground operation, takeoff, landing, normal flight, unusual attitudes, navigation problems and in-

strument approach procedures. In addition, the simulator shall be designed so that malfunction of aircraft engines, propellers, and primary systems may be presented and corrective action taken by the crew to cope with such emergencies.

(v) Suitable course and altitude recorders shall be included.

(vi) Communication and navigation aids of the applicable airplane shall be simulated for on-the-ground and in-flight operations.

(vii) Other aircraft systems and components shall be simulated to the extent found necessary by the Administrator.

(c) Prior to serving as pilot in command in a particular type of airplane, a pilot shall have accomplished during the preceding 12 months either a proficiency check or a line check in that type of airplane.

§ 41.53k Proficiency checks; second in command.

(a) An air carrier shall not utilize a pilot as second in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate airplanes to be flown by him and to perform his assigned duties. Thereafter, he shall not serve as second in command unless each 12 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type. The pilot proficiency check shall include at least an oral or written equipment examination, and the procedures and flight maneuvers specified in § 41.53b(c)(1). The pilot proficiency check may be demonstrated from either the right or left pilot seat.

(b) The proficiency check for the second in command of a crew requiring 3 or more pilots shall be the same as required under § 41.53j(b).

(c) Subsequent to the initial pilot proficiency check, an approved course of training in an aircraft simulator which meets the requirements of 41.53j(b)(3), if satisfactorily completed, may be substituted at alternate 12-month intervals for the proficiency check required by paragraph (a) of this section.

(d) Satisfactory completion of the proficiency check in accordance with the requirements of § 41.53j(b) will also meet the requirements of this section.

The provisions of this amendment shall become effective January 1, 1961, except as otherwise provided in § 41.53h.

(Secs. 313(a), 601, 604, 605, 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424, 1425)

Issued in Washington, D.C., on December 1, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-10301; Filed, Dec. 4, 1959; 8:49 a.m.]

[Reg. Docket No. 41; Amdt. 41-29]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF UNITED STATES

Maximum Age Limitations for Pilots

Notice was given in Draft Release 59-5 (24 F.R. 5248) that a proposal was under consideration to amend Parts 40, 41 and 42 of the Civil Air Regulations to provide, in part, maximum age limits for certain utilizations of pilots in air-carrier operations by an air carrier.

It was pointed out in the draft release that the number of active air carrier pilots age 60 or over has been increasing significantly in recent years, that pilots in this age group are being employed in the carriage of a substantial number of passengers, both in piston and jet powered aircraft, and that this number will increase substantially within the next few years. Absent some limitation in the regulations, this condition could continue until a number of active pilots have, within the next 5 years, reached ages 65 to 70, and together with the then larger group over age 60 become increasingly responsible for a growing percentage of air carrier operations.

The draft release points out the reasons indicating that a hazard to safety is presented by utilization of pilots of these ages in air carrier operations. These include the fact that there is a progressive deterioration of certain important physiological and psychological functions with age, that significant medical defects attributable to this degenerative process occur at an increasing rate as age increases, and that sudden incapacity due to such medical defects becomes significantly more frequent in any group reaching age 60.

Such incapacity, due primarily to heart attacks and strokes, cannot be predicted accurately as to any specific individual on the basis of presently available scientific tests and criteria. On the contrary, the evidences of the aging process are so varied in different individuals that it is not possible to determine accurately with respect to any individual whether the presence or absence of any specific defect in itself either led to or precluded a sudden incapacitating attack. Any attempt to be selective in predicting which individuals are likely to suffer an incapacitating attack would be futile under the circumstances and would not be medically sound. Such a procedure, in light of the knowledge that a substantial percentage of any group of persons will suffer from such attacks after reaching age 60, would therefore be ineffective in eliminating the hazard to safety involved.

This conclusion is emphasized by the fact that, in the case of one large group under medical supervision over an extended period, some 85% of the persons who had a heart attack for the first time had the attack within six months to a year after a thorough medical examination had found the individual in a condition normal to his age and without any evidence to suggest the imminence of such an attack. In addition, the general good health of an individual, or the appearance of good health, are not determinative as to whether he will suffer a heart attack from the conditions that are normal as a result of age.

Other factors, even less susceptible to precise measurement as to their effect but which must be considered in connection with safety in flight, result simply from aging alone and are, with some variations, applicable to all individuals. These relate to loss of ability to perform highly skilled tasks rapidly, to resist fatigue, to maintain physical stamina, to perform effectively in a complex and stressful environment, to apply experience, judgment and reasoning rapidly in new, changing and emergency situations, and to learn new techniques, skills and procedures. The progressive loss of these abilities generally starts well prior to age 60; and, even though they may be significant in themselves prior to age 60, they assume greater significance at the older ages when coupled with the medical defects leading to increased risk of sudden incapacitation.

The older pilots as a group fly the largest, highest-performance aircraft, carrying the greatest number of passengers over the longest non-stop distances, operating into and out of the most congested airports near the largest cities, and traveling in flight in and through traffic lanes with the highest density of air traffic. A great many of these flights involve the newest, largest, fastest and most highly-powered jet aircraft. The possible hazards inherent in the older pilot's medical condition are entirely too serious to determine the question of safety by an attempt to balance the increased chances of an incapacitating attack against the possibility that the pilot might not be engaged in the carriage of a large number of passengers at the time of such an attack.

In exploring all the ramifications of the problems involved, the nature of air traffic and air carrier operations in the future has been considered. Present indications are that the very large increases that have taken place in recent years are small in relation to the increases yet to occur. Projection of the number of pilots who will be in the 60 to 70 age group, in an era of extreme density and frequency of jet and piston air carrier operations involving many millions of passenger miles, indicates a probability of sudden incapacitation of some of these pilots in the course of flight. While medical science may at some future time develop accurate, validly selective tests which would safely allow selected pilots to fly in air carrier operations after age 60, safety cannot be compromised in the meantime for lack of such tests. This is particularly so in light of the statutory directive contained in section 601(b) of the Federal Aviation Act of 1958 that, "In prescribing standards, rules, and regulations * * * the Administrator shall give full consideration to the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest * * *" and that, "The Administrator shall exercise and perform his powers and duties under this Act in such a manner as will

best tend to reduce or eliminate the possibility of, or recurrence of, accidents in air transportation * * *".

To the extent that a progressive loss of certain abilities generally starts well prior to age 60, further consideration is required of those aspects of safety in flight concerned with factors other than incapacitation. Especially with the development and increasing use of larger and higher performance aircraft and more complicated traffic conditions, growing importance attaches to the ability of pilots to learn new techniques, skills, and procedures, and to unlearn and discard previously learned and well-established patterns of behavior.

For this reason, the draft proposal included a provision to establish age 55 as the age prior to which an individual must obtain a type-rating for turbo-jet powered aircraft in order to act as pilot-in-command for such aircraft in air carrier service. Age 55 was selected on the basis that it marks the point at which the detrimental effects of age on physiological and psychological functions have become significant.

All interested persons have been given an opportunity to comment and all comments received have been given careful consideration. Many strong arguments were made, both in favor of and against the draft proposal. Some of the comments in favor of the proposal recommended more stringent action than that now being taken in this amendment, and referred to opinions and conclusions more far-reaching than those expressed above. Some of these were received from active airline pilots, although a majority of those identifying themselves as airline pilots from whom comments were received were adverse to the proposal.

The Air Transport Association, representing the major air carriers, was in favor of the proposal as to age 60. The Air Line Pilots Association, from which most complete and voluminous comments were received, was opposed to all proposals, but offered no practicable substitute to achieve the safety aims of this amendment. The position taken was that qualification of a pilot should be determined on an individual selection basis without any limitation as to chronological age. This is rejected as an inadequate safety standard in light of the present inability of medical science to provide a reliable and valid basis for selection.

Some requests for a public hearing were received. In the rulemaking process, a public hearing has basically the same purpose as written comments, namely, to inform the Agency of the facts and opinions of the public concerning the proposed rule. It serves a useful purpose, however, when it provides something more than usually is obtained from written comments. Normally, this would involve situations where facts and views cannot be expressed adequately by written comments, where written comments cannot properly be evaluated without further development in a public hearing, or where written comments which have been received raise new issues which require further public consideration and this can be accomplished most satisfactorily and expeditiously in a hearing.

Comments were received covering all the issues involved in the proposed rule. They have been most carefully evaluated with respect to their bearing on some of the requests that were received for a public hearing. In respect to the provision to establish age 55 as the age prior to which an individual must obtain a type-rating for turbo-jet powered aircraft, it is possible that a hearing may produce further information or data not already encompassed in the scope of the comments received. The comments and other data available appear to be sufficiently precise and determinative in connection with the provisions applicable to utilization of a pilot after attainment of age 60. In this connection, the requests for a public hearing did not indicate any area that the comments have not covered adequately nor was any showing made that they could not be evaluated properly without a public hearing. They did not point out any issue that was not previously considered. On this point a public hearing is likely to repeat opinions and evidence already submitted in the form of written comments. With respect to this provision of the proposed rule, therefore, it does not appear that a public hearing would serve a useful purpose; and it is not deemed necessary in the public interest.

After considering all of the comments received, I find that a public hearing is necessary and appropriate with respect to the proposal concerning eligibility to obtain a type-rating for turbo-jet powered aircraft after the attainment of age 55, and a notice for such a hearing on January 7, 1960 is being issued. I find further that establishment of a maximum age of 60 for pilots utilized by air carriers in air carrier operations is necessary for safety in air commerce and is in the public interest.

In consideration of the foregoing, § 41.48 of Part 41 of the Civil Air Regulations (14 CFR Part 41) is hereby amended by adding a new paragraph (e) to read as follows:

§ 41.48 Certificate.

* * * * *

(e) No individual who has reached his 60th birthday shall be utilized or serve as a pilot on any aircraft while engaged in air carrier operations.

This amendment shall become effective on March 15, 1960.

(Secs. 313(a), 601, 602, 604, 72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354(a), 1421, 1422, 1424)

Issued in Washington, D.C. on December 1, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-10302; Filed, Dec. 4, 1959; 8:49 a.m.]

[Reg. Docket No. 39; Amdt. 42-23]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Approval of Air Carrier Training Programs; Qualification of Pilots Other Than Pilots in Command; Proficiency Checks for Pilots Other Than Pilots in Command

The Federal Aviation Agency published as a notice of rule making (24 F.R. 5246) and circulated as Civil Air Regulations Draft Release No. 59-3, dated June 25, 1959, a proposal to amend Part 42 of the Civil Air Regulations to require: (1) FAA approval of air carrier training programs, (2) appropriate aircraft ratings for pilots serving as other than pilots in command, and (3) more specific initial training and recurrent proficiency checks for pilots serving as other than pilots in command.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented. Because of the importance of this amendment, each portion thereof has been evaluated in the light of such comments.

(1) *FAA approval of air carrier training programs.* The air carriers commenting on this portion of the proposal expressed strong opposition to it. Briefly, the air carriers contend that the present regulatory scheme for the establishment of methods and procedures for crew member training programs has been adequate and that no justification has been shown for requiring FAA approval of such programs. The Federal Aviation Agency is unable to agree with these contentions.

It must be emphasized that the training program is one of the most important factors in the safety of air carrier operations. The quality and scope of such programs are the key to insuring that all crew members are competent to perform their duties with the high degree of skill expected and required in air carrier operations. Under the provisions of the present regulation, the air carriers are given discretion in establishing "adequate" or "appropriate" training, or "training as necessary." As a result some air carriers have prepared and are administering excellent training programs. However, others have not achieved the minimum safety objective sought by the training requirements of § 42.45. While the methods and procedures employed by the various air carriers in their training programs may differ to fit the particular operation of each air carrier, each training program must provide a uniform and minimum standard of flight and ground training necessary for safety in air transportation. Experience in the administration of the present regulations shows that this standard can only be achieved by FAA approval of each training program.

Accordingly, because of the vital importance which the air carrier training

program has to safety in air carrier operations, each air carrier subject to this part will be required to obtain approval of its training program by a representative of the Administrator.

Part 42 presently requires each air carrier to establish a training program sufficient to insure that each crew member used by the air carrier is adequately trained and maintains adequate proficiency to perform the duties to which he is to be assigned. However, Part 42 does not contain sufficient guidance to the air carrier with respect to ground and flight training requirements which should be included in the training program in order to obtain FAA approval. Accordingly, pertinent training program requirements similar to those in Part 40 are being prescribed in Part 42 by this amendment.

This final regulation will not alter the responsibility which each air carrier has at present for the preparation and administration of its training program. However, each air carrier will be required to submit its training program, and subsequent changes thereto, to the Federal Aviation Agency for prior approval.

(2) *Initial training qualifications of pilots other than pilots in command.* The complexity of modern aircraft and the operational demands of today's navigation, communication, and air traffic control systems require a high level of skill and competence for air carrier copilots. Many of the functions which are required of the copilot, particularly with respect to emergency procedures, must be performed properly or the safety of the flight may be seriously affected. In addition, in the event that the pilot in command becomes incapacitated during flight, the copilot must possess adequate knowledge and skill to fly the aircraft safely to a destination.

In order to properly determine the ability of the copilot to operate a particular type of aircraft, it was proposed in Draft Release 59–3 to provide for the issuance of appropriate aircraft type ratings for all pilots serving as other than pilot in command, or as second in command of an aircraft requiring three or more pilots.

Part 42 currently provides for two different types of pilot crew complements: Namely, (a) a two-pilot crew and (b) a three or more pilot crew. With respect to the two-pilot crew, upon reevaluation of the original proposal in light of comments received, it appears that the objective of the original proposal can be achieved without requiring the second in command in a two-pilot crew to obtain an appropriate aircraft type rating, provided adequate flight training for such a pilot is provided in the initial and recurrent training requirements of this part and is part of the training program approved by the Administrator.

Accordingly, the original proposal has been modified in this regulation by omitting the aircraft type rating requirement for the second in command in a two-pilot crew. In lieu of a type rating this regulation prescribes in § 42.45b(c) certain minimum maneuvers and procedures in which it is considered necessary that pilots serving as second in command in a two-pilot crew be proficient, and requires that they receive instructions and practice in such maneuvers and procedures during initial flight training.

The term "second in command," is used in lieu of second pilot in this regulation in order that the air carrier rules of Parts 40, 41, and 42 will contain uniform terminology with respect to the copilot function. In this regard, it will be noted that an appropriate definition of "second in command" is added to this regulation and that the term second in command has been substituted for the term second pilot in § 42.43(b).

With regard to an operation requiring a crew combination of three or more pilots, Part 42 presently provides that the pilot in command and second in command shall hold valid airline transport pilot certificates and ratings for the aircraft when serving in such a crew combination. Since the pilot designated as second in command in a crew requiring three or more pilots is required by the present regulations to have the same basic qualifications as the pilot in command, it is deemed reasonable to require such second in command to be initially trained on the aircraft to a degree of proficiency commensurate to that of the pilot in command. Accordingly, the provisions of this amendment require a pilot serving as second in command in an operation requiring three or more pilots to comply with the same initial training requirements as apply to the pilot in command.

With respect to pilots other than the pilot in command and second in command in a crew complement requiring three or more pilots, the original proposal has been modified so as not to require such pilots to obtain an aircraft type rating. In lieu of a type rating, this regulation requires in the interest of safety that such pilots accomplish the initial training prescribed in § 42.45b(a). In this connection it should be understood that such pilots will not be required to comply with the training requirements specifically applicable to a pilot in command, or a second in command serving in a crew requiring 3 or more pilots.

(3) *Proficiency checks for pilots other than pilots in command.* In order to make certain that all pilots serving as second in command are initially proficient and continue to maintain their proficiency to pilot and navigate, and to perform their duties on aircraft to which they are assigned for duty, it was proposed in Draft Release 59–3 to require proficiency checks to be given such pilots prior to their initial assignment to duty and twice each 12 months thereafter by a check pilot or a representative of the Administrator.

Although the air carriers were opposed to this requirement, the Agency remains firm in its belief that in order to make certain that all pilots serving as second in command are initially proficient and continue to maintain such proficiency, they must be given a proficiency check by a designated check pilot or a representative of the Administrator. However, upon reconsideration of the original proposal in the light of comment received, the Administrator has concluded that an adequate level of safety will be maintained if such proficiency checks are given only once each 12 months to pilots serving as second in command. Accordingly, such requirements are reflected in this amendment.

In Draft Release 59–3, it was proposed to include in the proficiency check at least the takeoffs and landings and other flight maneuvers generally covered in § 42.45b(a). However, the original proposal is being modified by this amendment to provide that the proficiency check for the second in command of a two-pilot crew shall include an oral or written equipment examination, and at least the procedures and flight maneuvers specified in new § 42.45b(c)(1).

The original proposal is also modified with respect to the second in command of a crew requiring three or more pilots to require the second in command to take the same proficiency check as is presently required for a pliot in command, except that the second in command is required to take the proficiency check only once each 12 months.

Comment received indicated that interested persons opposing Draft Release 59–3 believed the proposal would require copilots to acquire and demonstrate the same level of proficiency as is presently required of pilots in command. The Administrator wishes to make it clear that identical proficiency standards will not be required for such pilots. Under the provisions of Part 42 a pilot assigned to duty on an aircraft as second in command in a two-pilot crew is presently required to hold a commercial pilot certificate and instrument rating, whereas a pilot in command is required to hold the higher rating of an airline transport certificate with appropriate aircraft type ratings. Accordingly, in view of this difference in the certification requirements, pilots serving as second in command in two-pilot crews will not be held to the high degree of skill required of a pilot in command. However, they will be required to demonstrate that they possess the knowledge and skill to perform their duties as a copilot safely and efficiently, and to navigate and pilot the airplane to which they are assigned safely to a destination in the event the pilot in command becomes incapacitated during flight.

This final regulations is so drafted as to permit the air carriers to use the flight crew method of training and checking pilots. Air carriers utilizing the flight crew method have found that it has economic advantages over the method of training and checking crew members individually and is an effective method of standardizing training. Although initial flight training and some proficiency check maneuvers will make it necessary in the interest of safety for the check pilot to occupy one of the pilot positions, it is believed that many maneuvers can be conducted safely using the flight crew concept of training and checking pilots.

This regulation is being made effective January 1, 1961. This effective date will allow air carriers subject to Part 42

sufficient time in which to obtain FAA approval of their training programs and to accomplish the initial demonstration check of pilots other than pilot in command required by this amendment. However, each air carrier will be required to submit its training program to the FAA for approval not later than May 1, 1960.

Although compliance with the requirements prescribed in this amendment may result in some additional costs to the air carriers, it appears that such costs are outweighed by the considerations of safety involved.

In consideration of the foregoing, the Federal Aviation Agency hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) as follows:

1. By adding a definition to § 42.1 to read as follows:

§ 42.1 Definitions.

* * * * *

Second in command. Second in command means a pilot other than the pilot in command who is designated by the air carrier to act as second in command of an airplane.

§ 42.43 [Amendment]

2a. By deleting the words "second pilot" in the title and first sentence of § 42.43(b), and by adding in lieu thereof the words "Second in command".

b. By adding a new sentence at the end of § 42.43(c) to read as follows: "All other pilots shall meet the requirements of subparagraphs (1) and (2) of paragraph (b) of this section."

4. By amending § 42.44(a) (2) and (3) to read as follows:

§ 42.44 Recent flight experience requirements for flight crew members.

(a) *Pilots.* * * *

(2) *Proficiency check for pilot in command on large aircraft.* An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate airplanes to be flown by him. Thereafter, he shall not serve as pilot in command unless each 6 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type. The pilot proficiency check shall include at least the following:

(i) The flight maneuvers specified in § 42.45b(b) (1), except that the simulated engine failure during takeoff need not be accomplished at speed V_1, nor at actual or simulated maximum authorized weight.

(ii) Flight maneuvers approved by the Administrator accomplished under simulated instrument conditions utilizing the navigational facilities and letdown procedures normally used by the pilot: *Provided,* That maneuvers other than those associated with approach procedures for which the lowest minimums are approved may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carrier.

(iii) Prior to serving as pilot in command in a particular type of airplane, a pilot shall have accomplished during the preceding 12 months a proficiency check in that type of airplane.

(3) *Proficiency checks, second in command on large aircraft.* An air carrier shall not utilize a pilot as second in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate airplanes to be flown by him and to perform his assigned duties. Thereafter, he shall not serve as second in command unless each 12 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type. The proficiency check shall include at least an oral or written equipment examination, and the procedures and flight maneuvers specified in § 42.45b(c)(1). The pilot proficiency check may be demonstrated from either the right or left pilot seat.

(i) The proficiency check for the second in command of a crew requiring 3 or more pilots shall be the same as required under subparagraph (2) of this paragraph.

(ii) Subsequent to the initial pilot proficiency check, an approved course of training in an aircraft simulator which meets the requirements of subparagraph (4) of this paragraph if satisfactorily completed may be substituted at alternate 12-month intervals for the proficiency check required by this subparagraph.

(iii) Satisfactory completion of the proficiency check in accordance with the requirements of subparagraph (2) of this paragraph will also meet the requirements of this subparagraph.

5. By amending § 42.45 and adding new §§ 42.45a through 42.45h to read as follows:

§ 42.45 Training requirements for crew members serving on large aircraft.

(a) Each air carrier shall establish a training program sufficient to insure that each crew member used by the air carrier is adequately trained to perform the duties to which he is to be assigned. The initial training phases shall be satisfactorily completed prior to serving in passenger or cargo operations.

(b) Each air carrier shall be responsible for providing adequate ground and flight training facilities and properly qualified instructors. There also shall be provided a sufficient number of check airmen to conduct the flight checks required by this part. Such check airmen shall hold the same airman certificates and ratings as are required for the airman being checked.

(c) The training program for each flight crew member shall consist of appropriate ground and flight training including proper flight crew coordination. Procedures for each flight crew function shall be standardized to the extent that each flight crew member will know the functions for which he is responsible and the relation of those functions to those of other flight crew members. The initial program shall include at least the appropriate requirements specified in §§ 42.45a through 42.45e.

(d) The crew member emergency procedures training program shall include at least the requirements specified in § 42.45e.

(e) The appropriate instructor, supervisor, or check airman responsible for the particular training or flight check shall certify to the proficiency of each crew member upon completion of his training, and such certification shall become a part of the individual's record.

§ 42.45a Initial pilot ground training.

Ground training for all pilots shall include instruction in at least the following:

(a) The appropriate provisions of the air carrier operations specifications and appropriate provisions of the regulations of this subchapter with particular emphasis on the operation rules and airplane operating limitations;

(b) Appropriate contents of the manuals;

(c) The duties and responsibilities of crew members;

(d) The type of airplane to be flown, including a study of the airplane, engines, all major components and systems, performance limitations, standard and emergency operating procedures, and appropriate contents of the approved Airplane Flight Manual;

(e) The principles and methods of determining weight and balance limitations for takeoff and landing;

(f) Navigation and use of appropriate aids to navigation, including the instrument approach facilities and procedures which the air carrier is authorized to use;

(g) Airport and airways traffic control systems and procedures, and ground control letdown procedures if pertinent to the operation;

(h) Meteorology sufficient to insure a practical knowledge of the principles of icing, fog, thunderstorms, and frontal systems; and

(i) Procedures for operation in turbulent air and during periods of ice, hail, thunderstorms, and other potentially hazardous meteorological conditions.

§ 42.45b Initial pilot flight training.

(a) Flight training for each pilot shall include at least takeoffs and landings, during day and night, and normal and emergency flight maneuvers in each type of airplane to be flown by him in passen-

ger or cargo flights, and flight under simulated instrument flight conditions.

(b) Flight training for a pilot qualifying to serve as pilot in command or as second in command in a crew requiring three or more pilots shall include flight instruction and practice in at least the following maneuvers and procedures:

(1) In each type of airplane to be flown by him:

(i) At the authorized maximum takeoff weight, takeoff using maximum takeoff power with simulated failure of the critical engine. For transport category airplanes the simulated engine failure shall be accomplished as closely as possible to the critical engine failure speed (V_1), and climbout shall be accomplished at a speed as close as possible to the takeoff safety speed (V_2). Each pilot shall ascertain the proper values for speeds V_1 and V_2;

(ii) At the authorized maximum landing weight, flight in a four-engine airplane, where appropriate, with the most critical combinations of two engines inoperative, or operating at zero thrust, utilizing appropriate climb speeds as set forth in the Airplane Flight Manual;

(iii) At the authorized maximum landing weight, simulated pullout from the landing and approach configurations accomplished at a safe altitude with the critical engine inoperative or operating at zero thrust.

(iv) Suitable combinations of airplane weight and power less than those specified in subdivisions (i), (ii), and (iii) of this subparagraph may be employed if the performance capabilities of the airplane under the above conditions are simulated.

(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the letdown procedures used in normal operations. If a particular type of facility is not available in the training area, such training may be accomplished in a synthetic trainer.

(c) Flight training for a pilot qualifying to serve as second in command in a crew requiring two pilots shall include flight instruction and practice in at least the following maneuvers and procedures:

(1) In each type of airplane to be flown by him in scheduled operation:

(i) Assigned flight duties as second in command, including flight emergencies,

(ii) Taxiing,

(iii) Takeoffs and landings,

(iv) Climbs and climbing turns,

(v) Slow flight,

(vi) Approach to stall,

(vii) Engine shutdown and restart,

(viii) Takeoff and landing with simulated engine failure,

(ix) Conduct of flight under simulated instrument conditions including instrument approach at least down to circling approach minimum and missed approach procedures.

(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the letdown procedures used in normal operations. Except for those approach procedures for which the lowest minimums are approved, all other letdown procedures may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carrier.

§ 42.45c Initial flight navigation training.

(a) The training for flight navigation shall include the applicable portions of at least paragraphs (a) through (d) and (f) through (h) of § 42.45a.

(b) Prior to serving as a required flight crew member each flight navigator shall be given sufficient ground and flight training to become proficient in those duties assigned him by the air carrier. The flight training may be accomplished during passenger or cargo flights under the supervision of a qualified flight navigator.

§ 42.45d Initial flight engineer training.

(a) The training for flight engineers shall include at least the instruction specified in § 42.45a (a) through (e).

(b) Flight engineers shall be given sufficient training in flight to become proficient in those duties assigned them by the air carrier. Except for emergency procedures, this training may be accomplished during passenger or cargo flights under the supervision of a qualified flight engineer.

§ 42.45e Initial crew member emergency training.

(a) The training in emergency procedures shall be designed to give each crew member appropriate individual instruction in all emergency procedures, including assignments in the event of an emergency, and proper coordination between crew members. At least the following subjects as appropriate to the individual crew member shall be taught; The procedures to be followed in the event of the failure of an engine, or engines, or other airplane components or systems, emergency decompression, fire in the air or on the ground, ditching, evacuation, the location and operation of all emergency equipment, and power setting for maximum endurance and maximum range.

(b) Synthetic trainers may be used for training of crew members in emergency procedures where the trainers sufficiently simulate flight operating emergency conditions for the equipment to be used.

§ 42.45f Recurrent training.

(a) Each air carrier shall provide such training as is necessary to insure the continued competence of each crew member and to insure that each possesses adequate knowledge of and familiarity with all new equipment and procedures to be used by him.

(b) Each air carrier shall, at intervals established as part of the training program, but not to exceed 12 months, check the competence of each crew member with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Where the check of the pilot in command or second in command requires actual flight, such check shall be considered to have been met by the checks accomplished in accordance with §§ 42.44 (a) (2) or 42.44(a) (3), respectively.

(c) The appropriate instructor, supervisor, or check airmen shall certify as to the proficiency demonstrated, and such certification shall become a part of the individual's record.

§ 42.45g Approval of training programs.

The training program established by the air carrier under the provisions of §§ 42.45 through 42.45f shall meet with the approval of an authorized representative of the administrator: *Provided,* That the curriculum of such training program shall be submitted in appropriate form to an authorized representative of the Administrator not later than May 1, 1960.

§ 42.45h Flight crew member qualification for large aircraft.

(a) No air carrier shall utilize any flight crew member, nor shall any such airman perform the duties authorized by his airman certificate, unless he satisfactorily meeets the appropriate requirements of §§ 42.40, 42.41, 42.43, 42.44; and 42.45 or 42.45f.

(b) Check airman shall certify as to the proficiency of the pilot being examined, as required by §§ 42.43(b) and 42.44(a) and such certification shall become a part of the airman's record.

The provisions of this amendment shall become effective January 1, 1961, except as otherwise provided in § 42.45g.

(Secs. 313(a), 601, 604, 605, 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424, 1425)

Issued in Washington, D.C., on December 1, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-10303; Filed, Dec. 4, 1959; 8:50 a.m.]

[Reg. Docket No. 40; Amdt. 42-24]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Maximum Age Limitations for Pilots

Notice was given in Draft Release 59-4 (24 F.R. 5249) that a proposal was under consideration to amend Parts 40, 41 and 42 of the Civil Air Regulations to provide, in part, maximum age limits for certain utilizations of pilots in air-carrier operations by an air carrier.

It was pointed out in the draft release that the number of active air carrier pilots age 60 or over has been increasing significantly in recent years, that pilots in this age group are being employed in the carriage of a substantial number of passengers, both in piston and jet-powered aircraft, and that this number will increase substantially within the next few years. Absent some limitation in the regulations, this condition could continue until a number of active pilots have, within the next 5 years, reached ages 65 to 70, and together with the then larger group over age 60 become increasingly responsible for a growing percentage of air carrier operations.

The draft release points out the reasons indicating that a hazard to safety is presented by utilization of pilots of

these ages in air carrier operations. These include the fact that there is a progressive deterioration of certain important physiological and psychological functions with age, that significant medical defects attributable to this degenerative process occur at an increasing rate as age increases, and that sudden incapacity due to such medical defects becomes significantly more frequent in any group reaching age 60.

Such incapacity, due primarily to heart attacks and strokes, cannot be predicted accurately as to any specific individual on the basis of presently available scientific tests and criteria. On the contrary, the evidences of the aging process are so varied in different individuals that it is not possible to determine accurately with respect to any individual whether the presence or absence of any specific defect in itself either led to or precluded a sudden incapacitating attack. Any attempt to be selective in predicting which individuals are likely to suffer an incapacitating attack would be futile under the circumstances and would not be medically sound. Such a procedure, in light of the knowledge that a substantial percentage of any group of persons will suffer from such attacks after reaching age 60, would therefore be ineffective in eliminating the hazard to safety involved.

This conclusion is emphasized by the fact that, in the case of one large group under medical supervision over an extended period, some 85% of the persons who had a heart attack for the first time had the attack within six months to a year after a thorough medical examination had found the individual in a condition normal to his age and without any evidence to suggest the iminence of such an attack. In addition, the general good health of an individual, or the appearance of good health, are not determinative as to whether he will suffer a heart attack from the conditions that are normal as a result of age.

Other factors, even less susceptible to precise measurement as to their effect but which must be considered in connection with safety in flight, result simply from aging alone and are, with some variations, applicable to all individuals. These relate to loss of ability to perform highly skilled tasks rapidly, to resist fatigue, to maintain physical stamina, to perform effectively in a complex and stressful environment, to apply experience, judgment and reasoning rapidly in new, changing and emergency situations, and to learn new techniques, skills and procedures. The progressive loss of these abilities generally starts well prior to age 60; and, even though they may be significant in themselves prior to age 60, they assume greater significance at the older ages when coupled with the medical defects leading to increased risk of sudden incapacitation.

The older pilots as a group fly the largest, highest-performance aircraft, carrying the greatest number of passengers over the longest non-stop distances, operating into and out of the most congested airports near the largest cities, and traveling in flight in and through traffic lanes with the highest density of air traffic. A great many of these flights involve the newest, largest, fastest and most highly-powered jet aircraft. The possible hazards inherent in the older pilot's medical condition are entirely too serious to determine the question of safety by an attempt to balance the increased chances of an incapacitating attack against the possibility that the pilot might not be engaged in the carriage of a large number of passengers at the time of such an attack.

In exploring all the ramifications of the problems involved, the nature of air traffic and air carrier operations in the future has been considered. Present indications are that the very large increases that have taken place in recent years are small in relation to the increases yet to occur. Projection of the number of pilots who will be in the 60 to 70 year age group, in an era of extreme density and frequency of jet and piston air carrier operations involving many millions of passenger miles, indicates a probability of sudden incapacitation of some of these pilots in the course of flight. While medical science may at some future time develop accurate, validly selective tests which would safely allow selected pilots to fly in air carrier operations after age 60, safety cannot be compromised in the meantime for lack of such tests. This is particularly so in light of the statutory directive contained in section 601(b) of the Federal Aviation Act of 1958 that, "In prescribing standards, rules, and regulations * * * the Administrator shall give full consideration to the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest * * *," and that, "The Administrator shall exercise and perform his powers and duties under this Act in such a manner as will best tend to reduce or eliminate the possibility of, or recurrence of, accidents in air transportation * * *"

To the extent that a progressive loss of certain abilities generally starts well prior to age 60, further consideration is required of those aspects of safety in flight concerned with factors other than incapacitation. Especially with the development and increasing use of larger and higher performance aircraft and more complicated traffic conditions, growing importance attaches to the ability of pilots to learn new techniques, skills, and procedures, and to unlearn and discard previously learned and well-established patterns of behavior.

For this reason, the draft proposal included a provision to establish age 55 as the age prior to which an individual must obtain a type-rating for turbo-jet powered aircraft in order to act as pilot-in-command for such aircraft in air carrier service. Age 55 was selected on the basis that it marks the point at which the detrimental effects of age on physiological and psychological functions have become significant.

All interested persons have been given an opportunity to comment and all comments received have been given careful consideration. Many strong arguments were made, both in favor of and against the draft proposal. Some of the comments in favor of the proposal recommended more stringent action than that now being taken in this amendment, and referred to opinions and conclusions more far-reaching than those expressed above. Some of these were received from active airline pilots, although a majority of those identifying themselves as airline pilots from whom comments were received were adverse to the proposal.

The Air Transport Association, representing the major scheduled air carriers conducting charter flights and special services or scheduled cargo operations under the provisions of Part 42, was in favor of the proposal as to age 60. One large supplemental air carrier was opposed to the entire proposal. The Air Line Pilots Association, from which most complete and voluminous comments were received, was also opposed to the proposals, but offered no practicable substitute to achieve the safety aims of this amendment. The position taken was that qualification of a pilot should be determined on an individual selection basis without any limitation as to chronological age. This is rejected as an inadequate safety standard in light of the present inability of medical science to provide a reliable and valid basis for selection.

Some requests for a public hearing were received. In the rulemaking process, a public hearing has basically the same purpose as written comments, namely, to inform the Agency of the facts and opinions of the public concerning the proposed rule. It serves a useful purpose, however, when it provides something more than usually is obtained from written comments. Normally, this would involve situations where facts and views cannot be expressed adequately by written comments, where written comments cannot properly be evaluated without further development in a public hearing, or where written comments which have been received raise new issues which require further public consideration and this can be accomplished most satisfactorily and expeditiously in a hearing.

Comments were received covering all the issues involved in the proposed rule. They have been most carefully evaluated with respect to their bearing on some of the requests that were received for a public hearing. In respect to the provision to establish age 55 as the age prior to which an individual must obtain a type-rating for turbo-jet powered aircraft, it is possible that a hearing may produce further information or data not already encompassed in the scope of the comments received. The comments and other data available appear to be sufficiently precise and determinative in connection with the provisions applicable to utilization of a pilot after attainment of age 60. In this connection, the requests for a public hearing did not indicate any area that the comments have not covered adequately nor was any

showing made that they could not be evaluated properly without a public hearing. They did not point out any issue that was not previously considered. On this point a public hearing is likely to repeat opinions and evidence already submitted in the form of written comments. With respect to this provision of the proposed rule, therefore, it does not appear that a public hearing would serve a useful purpose; and it is not deemed necessary in the public interest.

After considering all of the comments received, I find that a public hearing is necessary and appropriate with respect to the proposal concerning eligibility to obtain a type-rating for turbo-jet powered aircraft after the attainment of age 55 and a notice for such a hearing on January 7, 1960, is being issued. I find further that establishment of a maximum age of 60 for pilots utilized by air carriers in air carrier operations is necessary for safety in air commerce and is in the public interest.

In answer to some of the comments received from air taxi operators and other operators of small aircraft it appears necessary to point out that this amendment will not apply to pilots of small aircraft. At the time that the proposal was issued as a draft release it was contemplated that such operations would shortly be conducted pursuant to the provisions of a new Part 47. However, since the effective date of that part has been suspended, and such operations will continue to be conducted under Part 42 for an additional period, this amendment to Part 42 has been expressly limited to large aircraft. This amendment will, of course, apply to pilots of large aircraft when utilized by commercial operators subject to the provisions of Part 42. The necessity of a maximum age limitation to pilots of small aircraft utilized by air taxi and other commercial operators will be the subject of further study by the Agency. If such a requirement is found necessary it will be issued as a separate proposal for comments by the public.

In consideration of the foregoing, section 42.40 of Part 42 of the Civil Air Regulations (14 CFR Part 42) is hereby amended by adding a new paragraph (c) to read as follows:

§ 42.40 Airman requirements.

* * * * *

(c) No individual who has reached his 60th birthday shall be utilized or serve as a pilot on any large aircraft while engaged in air carrier operations.

This amendment shall become effective on March 15, 1960.

(Secs. 313(a), 601, 602, 604, 72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354(a), 1421, 1422, 1424)

Issued in Washington, D.C., on December 1, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-10304; Filed, Dec. 4, 1959; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 195; Amdt. 60]

PART 507—AIRWORTHINESS DIRECTIVES

Brown-Line Corporation Safety Belts

Due to unsatisfactory service performance and subsequent investigation, Brown-Line Corporation Model WB-2002-2 safety belts must be replaced in civil aircraft since they do not meet Technical Standard Order C22 standards. As use of the belt is hazardous, the Administrator finds that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directive:

59-24-3 BROWN-LINE CORPORATION SAFETY BELTS. Applies to all Brown-Line Model WB-2002-2 safety belts.

Investigation of two recent accidents involving aircraft in which the subject model safety belts were installed, disclosed that the wearer could not free himself from the belt, thereby preventing his escape from the aircraft. The design of this belt buckle is such that it will not enable the wearer to quickly and easily release the belt from the buckle. Thus this belt does not conform with section 4.1.2 of TSO-C22[1] and compliance is considered essential to safety in cases of fire or emergencies involving landings in water.

Accordingly, since this model safety belt does not meet the necessary safety requirements, it is not acceptable for installation in civil aircraft. Furthermore, all belts of this model that are in service must be replaced with acceptable safety belts within the next 25 hours of service time or the next periodic inspection, whichever occurs first.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 1, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-10270; Filed, Dec. 4, 1959; 8:46 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 6]

PART 5—DETERMINATION OF PARITY PRICE

Substitution of Term "Milkfat" for "Butterfat"

The purpose of this amendment is to substitute the term "milkfat" for "butterfat" in regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 F.R. 761, 7 CFR 5.1-5.7). The sole intent of this change is to authorize use of terminology which now is commonly used within the dairy industry and which is in consonance with terminology used in the official standards published by the United States Department of Agriculture.

Section 5.1 is amended by adding the following paragraph:

(c) The term "milkfat" as used in these regulations is synonymous with the term "butterfat", and when any statute requires calculation of the parity price of butterfat, the parity price of milkfat shall be the parity price of butterfat.

Sections 5.3 and 5.4 are amended by substituting the term "milkfat" for the term "butterfat" where this term appears.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply sec. 301, 52 Stat. 38, as amended; U.S.C. 1301)

Done at Washington, D.C., this 2d day of November 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-10315; Filed, Dec. 4, 1959; 8:51 a.m.]

[1] Section 4.1.2 of TSO-C22 states in part: "* * * shall include an easily operable quick release mechanism which will enable the wearer to release himself easily under a load simulating the wearer hanging in the belt."

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 2]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1960 Crop of Upland Cotton

COUNTY ALLOTMENT; ALLOCATIONS TO COUNTIES FROM STATE'S SHARE OF NATIONAL RESERVE AND FROM STATE RESERVE; REMAINDER OF THE STATE RESERVE—STATE OF LOUISIANA

Basis and purpose. The purpose of this amendment is to establish for the State of Louisiana county allotments showing components thereof (computed county allotment, allocation from State's share of national reserve; adjustments from State reserve for trends and abnormal conditions); allocations to counties from State reserve for small farms and to correct inequities and prevent hardship; and to establish the remainder of State reserve which is available for allocation to counties for new farms, late and reconstituted farms and correction of errors.

The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), including amendments under Public Law 86-172 (73 Stat. 393, approved August 18, 1959). Notice of the proposed issuance of acreage allotment regulations for the 1960 crop of upland cotton was published in the FEDERAL

REGISTER on September 12, 1959 (24 F.R. 7382) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) prior to issuance of such regulations.

Farmers engaged in the production of upland cotton in 1959 will determine in a referendum to be held on December 15, 1959, whether marketing quotas will be in effect for the 1960 crop of upland cotton. In order that farm allotments may be established as early as possible and notices of individual farm allotments may be mailed, insofar as practicable, so as to be received by farmers prior to the referendum, as required by section 362 of the Agricultural Adjustment Act of 1938, as amended, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The regulations pertaining to acreage allotments for the 1960 crop of upland cotton (24 F.R. 8430, 8628, 9693) are amended by inserting after the tabulation for Kentucky in § 722.316(h)(1) the following tabulation for Louisiana:

LOUISIANA

[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for—		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for—	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Acadia	10,964	487.4	0	0	11,451.4	0	0
Allen	687	154.4	0	0	841.4	0	0
Ascension	497	129.1	0	0	626.1	0	0
Assumption	19	7.9	0	0	26.9	0	0
Avoyelles	22,714	1,202.2	0	0	23,916.2	0	2,468.3
Beauregard	324	76.5	0	0	400.5	0	0
Bienville	5,808	125.0	0	0	5,933.0	0	0
Bossier	17,756	191.2	0	0	17,947.2	0	1,284.1
Caddo	30,623	332.0	0	0	30,955.0	0	2,619.0
Calcasieu	163	20.9	0	0	183.9	0	0
Caldwell	6,250	132.4	0	0	6,382.4	0	804.5
Cameron	197	72.7	0	0	269.7	0	0
Catahoula	10,690	329.1	0	0	11,019.1	0	1,052.5
Claiborne	8,932	16.9	0	0	8,948.9	0	0
Concordia	8,270	182.2	0	0	8,452.2	0	812.8
De Soto	9,286	188.1	0	0	9,474.1	0	0
East Baton Rouge	740	181.2	0	0	921.2	0	0
East Carroll	21,796	144.1	0	0	21,940.1	0	2,170.2
East Feliciana	3,312	305.4	0	0	3,617.4	0	0
Evangeline	15,461	548.8	0	0	16,009.8	0	1,498.0
Franklin	48,863	551.4	0	0	49,414.4	0	4,708.7
Grant	3,417	48.1	0	0	3,465.1	0	449.2
Iberia	1,650	243.5	0	0	1,893.5	0	0
Iberville	604	56.3	0	0	660.3	0	0
Jackson	1,105	174.3	0	0	1,279.3	0	0
Jefferson	7	0.9	0	0	7.9	0	0
Jefferson Davis	430	75.9	0	0	505.9	0	0
Lafayette	13,418	804.8	0	0	14,222.8	0	0
Lafourche	24	0	0	0	24.0	0	0
La Salle	364	43.6	0	0	407.6	0	0
Lincoln	3,837	0	0	0	3,837.0	0	0
Livingston	373	136.3	0	0	509.3	0	0
Madison	16,227	179.1	0	0	16,406.1	0	1,761.2
Morehouse	26,486	235.5	0	0	26,721.5	0	2,904.2
Natchitoches	21,940	302.5	0	0	22,242.5	0	1,846.0
Orleans	2	0	0	0	2.0	0	0
Ouachita	12,369	168.5	0	0	12,537.5	0	880.0
Pointe Coupee	9,406	269.2	0	0	9,675.2	0	0
Rapides	15,133	321.5	0	0	15,454.5	0	1,536.5
Red River	10,545	96.9	0	0	10,641.9	0	0
Richland	41,959	438.2	0	0	42,397.2	0	4,221.7
Sabine	1,971	71.1	0	0	2,042.1	0	0
St. Helena	2,144	384.7	0	0	2,528.7	0	0
St. James	13	7.5	0	0	20.5	0	0
St. John the Baptist	8	5.1	0	0	13.1	0	0
St. Landry	32,611	1,095.2	0	0	33,706.2	0	2,998.0
St. Martin	7,973	649.3	0	0	8,622.3	0	0
St. Mary	3	0	0	0	3.0	0	0
St. Tammany	305	84.8	0	0	389.8	0	0
Tangipahoa	1,448	459.2	0	0	1,907.2	0	0
Tensas	16,988	173.0	0	0	17,161.0	0	1,814.5
Union	5,655	0	0	0	5,655.0	0	0
Vermilion	4,796	440.6	0	0	5,236.6	0	0
Vernon	1,098	191.6	0	0	1,289.6	0	0
Washington	5,328	615.9	0	0	5,943.9	0	0
Webster	6,393	118.0	0	0	6,511.0	0	0
West Baton Rouge	1,033	60.8	0	0	1,093.8	0	0
West Carroll	22,994	657.5	0	0	23,651.5	0	2,300.5
West Feliciana	2,190	132.6	0	0	2,322.6	0	0
Winn	977	118.1	0	0	1,095.1	0	0
a. State total	516,576	14,239.0	0	0	530,815.0	0	38,129.9

b. State reserve available for late and reconstituted farms and correction of errors (no State reserve allocated for new farms) 6,035.1

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item (b)) 574,980

No. 237——3

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies sec. 344; 63 Stat. 670, as amended; sec. 377; 70 Stat. 206, as amended; 7 U.S.C. 1344, 1377)

Done at Washington, D.C., this 30th day of November 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-10174; Filed, Nov. 30, 1959; 3:28 p.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Navel Orange Reg. 174]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.474 Navel Orange Regulation 174.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical

with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 3, 1959.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., December 6, 1959, and ending at 12:01 a.m., P.s.t., December 13, 1959, are hereby fixed as follows:

(i) District 1: 1,200,000 cartons;

(ii) District 2: 257,458 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 4, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–10373; Filed, Dec. 4, 1959; 11:27 a.m.]

[Lemon Reg. 823]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.930 Lemon Regulation 823.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 2, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., December 6, 1959, and ending at 12:01 a.m., P.s.t., December 13, 1959, are hereby fixed as follows:

(i) District 1: 41,850 cartons;

(ii) District 2: 102,300 cartons;

(iii) District 3: 60,450 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 3, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–10352; Filed, Dec. 4, 1959; 8:52 a.m.]

SUBCHAPTER B—PROHIBITION OF IMPORTED COMMODITIES

[Cucumber Reg., Amdt. 1]

PART 1070—CUCUMBERS

Import Restrictions

Pursuant to the requirements contained in section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), paragraph (a) *Import restrictions* of § 1017.3 *Cucumber Regulation No. 3* (24 F.R. 8717) is hereby amended to read as follows:

(a) *Import restrictions.* Effective December 2, 1959, no person may import cucumbers unless such cucumbers meet the following requirements:

(1) From December 2, 1959, through July 31, 1960, U.S. No. 2, or better, grade.

(2) The requirements of this paragraph except for decay shall not be applicable to cucumbers of the Kirby, MR 17, or other pickling type cucumbers of similar varietal characteristics.

It is hereby found that it is impractical, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment beyond the date specified (5 U.S.C. 1001–1011) in that (i) the requirements established by this amended import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, which makes such amended regulation mandatory;

(ii) The regulations hereby established for cucumbers that may be imported into the United States comply with grade, size, quality, and maturity restrictions imposed upon domestic cucumbers under Marketing Agreement No. 118 and Order No. 115 (7 CFR 1015.303, 24 F.R. 7863, 8089, 8542, 9708);

(iii) Compliance with this amended cucumber import regulation should not require any special preparation by importers which cannot be completed by the effective date hereof; and

(iv) This amendment relieves restrictions on the importation of cucumbers.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated December 1, 1959, to become effective December 2, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–10292; Filed, Dec. 4, 1959; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC–757]

PART 563—OPERATIONS

Sales, Commissions, and Related Matters

Correction

In F.R. Doc. 59–10193, appearing at page 9657 of the issue for Thursday, December 3, 1959, Item 1 should read as follows:

1. Section 563.24 of the rules and regulations for Insurance of Accounts is hereby amended by striking the language

"for approval by the Corporation". As amended § 563.24 reads as follows:

§ 563.24 Sales plans and practices; use of salesmen, sales agencies, surplus certificates, or other sales plans.

Every applicant for insurance which uses salesmen, sales agencies, surplus certificates, or other sales plans shall submit, with its application, full details thereof. An insured institution shall not, for the opening or increasing of any account, give for any one such opening or any one such increase any give-away that has a monetary value in excess of $2.50. The monetary value of any give-away so given shall be the cost thereof to the insured institution and the insured institution shall keep in its records for a period of at least two years suitable evidence of such cost. If the give-away is purchased or obtained by the insured institution together with, in connection with, or at the same time as another item or other items from the same supplier, not identical therewith, such value shall be deemed to be the then current regular selling price or charge of the supplier on separate sales or dispositions thereof in the quantity included, and the insured institution shall in such case obtain, and keep in its records for a period of at least two years, a signed statement by such supplier of such regular selling price or charge. As used in the foregoing provisions of this section, the term "give" means to give, to sell or dispose of for less than full monetary value as hereinbefore defined, or with any agreement or undertaking, contingent or otherwise, for repurchase or redemption, whether total or partial, or to offer, promise, or agree to do any of the foregoing; the term "give-away" means any money, property, service, or other thing of value, whether tangible or intangible; and the term "account" means an account of an insurable type.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Benzathine Penicillin G for Aqueous Injection

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for the certification of antibiotic and antibiotic-containing drugs 21 CFR and 21 CFR 1958 Supp., 146a.77) are amended as indicated below:

In § 146a.77 *Benzathine penicillin G for aqueous infection,* subparagraph (1) of paragraph (c) *Labeling* is amended by changing the words "24 months or 36 months" to read "24 months or 36 months or 48 months or 60 months".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for the amendment covered by this order.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: November 27, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-10282; Filed, Dec. 4, 1959; 8:47 a.m.]

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Changes in Labeling Requirements Re Expiration Date and Prescription Legend

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for the certification of streptomycin (or dihydrostreptomycin) drugs (21 CFR Part 146b) are amended as indicated below:

1. Section 146b.101(c) is amended as follows:

a. Subparagraph (1) (iii) is amended by changing the clause after the words "paragraph (a) of this section" to read: "*Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single does and it is packaged in an individual wrapper or container;".

b. Subparagraph (1) is further amended by adding a new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is deleted and reserved.

2. Section 146b.102(c) is amended as follows:

a. Subparagraph (1) (iv) is amended by changing the clause following the word "certified" to read: "*Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container;".

b. Subparagraph (1) is further amended by deleting the word "and" at the end of subdivision (iii) and by adding a new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

3. Section 146b.104(c) is amended as follows:

a. Subparagraph (1) (iii) is amended by changing the colon after the words "paragraph (a) of this section" to a semicolon and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by changing the period at the end of subdivision (iii) to a semicolon and by adding a new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

3. Section 146b.105(c) is amended as follows:

a. Subparagraph (1) (iii) is amended by changing the colon after the word "certified" to a semicolon and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by changing the period after subdivision (iv) to a semicolon and by adding a new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (3) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (3).

4. Section 146b.106(c) is amended as follows:

a. Subparagraph (1) (iii) is amended by changing the clause following the words "paragraph (a) of this section" to read: "*Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container;".

b. Subparagraph (1) is further amended by deleting the word "and" at the end of subdivision (iv), by changing the period at the end of subdivision (v) to a semicolon, and by adding a new subdivision (vi):

(vi) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for

veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

5. Section 146b.107(c) is amended as follows:

a. Subparagraph (1) is amended by changing the semicolons after subdivisions (i), (ii), (iii), and (iv) to periods and by deleting the word "and" at the end of subdivision (iv).

b. Subparagraph (1)(v) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

c. Subparagraph (1) is further amended by adding a new subdivision (vi):

(vi) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

d. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

6. Section 146b.108(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the colon after the words "paragraph (a) of this section" to a semicolon and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by deleting the word "and" at the end of subdivision (iv), by changing the period at the end of subdivision (v) to a semicolon, and by adding the following new subdivision (vi):

(vi) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

7. Section 146b.110(c) is amended as follows:

a. Subparagraph (1)(iv) is amended by changing the colon after the words "period of time" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding a new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

8. In § 146b.111, paragraph (c)(1)(iv) is amended by changing the colon after the words "paragraph (a) of this section" to a period and deleting the remainder of the subdivision.

9. Section 146b.112(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the colon after the words "paragraph (a) of this section" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding a new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

10. Section 146b.114(c)(3) is amended by changing the colon after the word "paragraph (a) of this section" to a period and deleting the remainder of the subparagraph.

11. Section 146b.118(c) is amended as follows:

a. Subparagraph (1)(vi) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding a new subdivision (viii):

(viii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (3) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (3).

12. Section 146b.119(c)(3) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subparagraph.

13. Section 146b.120(b) is amended by changing the clause following the word "certified" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container."

14. Section 146b.121(c)(1)(v) is amended by changing the clause following the word "certified" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container."

15. Section 146b.122(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

b. Subparagraph (b) is further amended by adding a new subdivision (iv):

(iv) The statement "Caution: Federal law prohibits dispensing without prescription."

c. Subparagraph (2) is deleted and reserved.

16. Section 146b.124(c)(1)(v) is amended by changing the clause following the word "certified" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container."

17. Section 146b.126(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the colon after the word "paragraph (a) of this section" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding a new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

18. Section 146b.127(c)(1)(iii) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the affected industry has been informed that publication of these amendments was pending and no controversy concerning the need for such amendments has been encountered.

Effective dates. All amendments involving expiration dates shall become effective 30 days from the date of publication of this order in the FEDERAL REGISTER. All amendments involving placement of the prescription legend on immediate containers shall become effective 90 days from the date of publication.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 371)

Dated: November 27, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-10283; Filed, Dec. 4, 1959; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

Connecticut River, Conn.; Long Beach Harbor, Calif.

1. Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1949 (54 Stat. 150; 33 U.S.C. 180), § 202.55 designating special anchorage areas in Connecticut River, Connecticut, wherein vessels not more than 65 feet in length, when at anchor, shall not

be required to carry or exhibit anchor lights, is hereby amended by adding new paragraph (i) designating an anchorage area at Portland, Connecticut, as follows:

§ 202.55 Connecticut River, Conn.

* * * * *

(i) *Area at Portland.* Beginning at a point on the shore, about 700 feet southeasterly from the easterly end of the New York, New Haven and Hartford Railroad Company bridge, at latitude 41°33'55", longitude 72°38'43"; thence 250° (true) to latitude 41°33'54", longitude 72°38'46"; thence 160° (true) to latitude 41°33'48", longitude 72°38'43"; thence 145° (true) to latitude 41°33'44", longitude 72°38'39"; thence 55° (true) to a point on the shore at latitude 41°33'47", longitude 72°38'32"; thence along the shore to the point of beginning.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limit of the area or closer than 50 feet to the Federal channel limit. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master.

[Regs., 19 November 1959, 285/91 (Connecticut River, Conn.)—ENGWO] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.214 establishing and governing the use and navigation of anchorages in Los Angeles and Long Beach Harbors, California, is hereby amended redesignating the boundaries of the anchorages in paragraph (a) (4) and (6) and prescribing paragraph (a) (6-a) designating Naval Anchorage H in Long Beach Harbor, as follows:

§ 202.214 Los Angeles and Long Beach Harbors, Calif.

(a) *The anchorage grounds.* * * *

(4) *Naval Anchorage E (Long Beach Harbor).* North of a line 200 feet from and parallel to the axis of the Long Beach Breakwater; northeast of a line bearing 309° from the west end of the Long Beach Breakwater and passing through the south end of the Long Beach Mole (pier A); south of a line 5,500 feet from and parallel to the axis of the Long Beach Breakwater; east of a line bearing due north from the Middle Breakwater, which line is 1,000 feet east of the east face of pier G; east of a line bearing due north from the center of the opening between the Middle and Long Beach Breakwaters; south of a line bearing 101° from the south end of pier D; and west of a line bearing due north from the east end of the Long Beach Breakwater.

* * * * *

(6) *Commercial Anchorage G (Long Beach Harbor).* North of a line 5,500 feet from and parallel to the axis of the Long Beach Breakwater; east of a line bearing due north from the Middle Breakwater, which line is 1,000 feet east of the east face of pier G; southeast of a line 1,000 feet from the outer face of pier A; southwest of a line bearing 116° from the end of pier A enrockment; and west of a line bearing due north from the center of the opening between the Middle and Long Beach Breakwaters.

* * * * *

(6-a) *Naval Anchorage H (Long Beach Harbor).* This anchorage is adjacent and north of Anchorages E and G and is further described as follows:

Latitude	*Longitude*
33°45'23.5"	118°11'32.5"
33°45'23.5"	118°09'26.5"
33°44'48.8"	118°09'01.1"
33°45'07.0"	118°10'58.2"
33°44'59.0"	118°10'58.2"
33°45'16.0"	118°11'38.5"

(i) In this area the requirements of the naval service will predominate. Vessels other than those of the Navy may anchor temporarily in this area when necessary and space permits. Whenever this area is required for the anchoring of naval vessels, it shall be immediately cleared of commercial vessels by the Captain of the Port upon request of the appropriate naval authority.

(ii) Floats or buoys for marking anchor or moorings in place and fixed mooring piles or stakes are prohibited, except those which may be required by the Navy and approved by the Captain of the Port.

(iii) That portion of the eastern end of the anchorage overlying the established Navy Seaplane Restricted Area will be kept clear of vessels in accordance with previously adopted regulations. See § 207.618 of this chapter.

(iv) The regulations in this subparagraph shall be enforced by the Commander, United States Naval Base, Terminal Island, Long Beach, California, and the Commander, United States Eleventh Coast Guard District, Times Building, Long Beach, California.

[Regs., 19 November 1959, 285/91 (Long Beach Harbor, Calif.)-ENGWO]

(Sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-10269; Filed, Dec. 4, 1959; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2023]

[New Mexico 067935]

NEW MEXICO

Modifying Executive Order No. 3889 of August 13, 1923

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141) as amended, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 3889 of August 13, 1923, withdrawing certain lands for use of the Forest Service as a ranger station site, is hereby modified to the extent necessary to permit the grant of a road right-of-way made by section 2477 of the U.S. Revised Statutes (43 U.S.C. 932), to become effective as to those portions of the following-described lands delineated on a map filed by the Town of Grants, New Mexico, for the Roosevelt Avenue roadway on file with the Bureau of Land Management in New Mexico 067935:

NEW MEXICO PRINCIPAL MERIDIAN

Beginning at the corner of Sections 19, 24, 25, and 30 T. 11 N., Rs. 9 and 10 W.; thence
North, 50 feet;
S. 89°38'30" W., 1,350 feet;
South, 40 feet;
S. 89°56' E., 1,350 feet to place of beginning.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 30, 1959.

[F.R. Doc. 59-10287; Filed, Dec. 4, 1959; 8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 59-53]

PART 172—NUMBERING REQUIREMENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

KANSAS SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on November 16, 1959, approved the Kansas system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Kansas system shall be operative on and after Friday, January 1, 1960. On that date the authority to number motorboats principally used in the State of Kansas will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Kansas. On and after January 1, 1960, all reports of "boating accidents" which involve motorboats numbered in Kansas will be required to be reported to the Director, Forestry, Fish and Game Commission, Pratt, Kansas, pursuant to the pertinent provisions of the Kansas State Boating Act (Chapter 321, Kansas Laws 1959), and the regulations promulgated thereunder by the Forestry, Fish and Game Commission of the State of Kansas.

Because § 172.25-15(a) (12), as set forth in this document, is an informa-

tive rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25–15(a)(12) is prescribed and shall be in effect on and after the date set forth therein:

§ 172.25–15 Effective dates for approved State systems of numbering.

(a) * * *

(12) Kansas—January 1, 1960.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: December 1, 1959.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 59–10305; Filed, Dec. 4, 1959; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–40]

PART 194—REPORTING OF ACCIDENTS

Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 27th day of November A.D. 1959.

The matter of reporting of accidents, particularly the provisions of § 194.2 of the Motor Carrier Safety Regulations prescribed by order dated April 14, 1952, as amended, being under consideration, and

It appearing that a Notice of Proposed Rule Making was issued October 15, 1959 (24 F.R. 8554), in accordance with section 4(a) of the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1003), in which interested persons were invited to present on or before November 17, 1959, written statements containing data, views or arguments on the proposal therein to amend § 194.2, and that certain representations have been received in response thereto;

It further appearing that, after full investigation of the matters and things within the scope of our notice of October 15, 1959, and after full consideration of all the data, views, and arguments received from interested persons with respect thereto, the said regulations should be amended as proposed,

It is ordered, That § 194.2 in this Part 194 be, and it is hereby, amended to read as follows:

§ 194.2 Reportable accidents.

Every motor carrier, except private carriers, shall report to the Commission, in the manner hereinafter prescribed, every accident in which a motor vehicle operated by him or it is involved, and from which there results an injury to or death of any person, or property damage to any and all vehicles, cargo, or other property involved, to an apparent extent of $250.00 or more.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That this order shall be effective December 31, 1959, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–10295; Filed, Dec. 4, 1959; 8:49 a.m.]

[Docket No. 32260]

PART 205—REPORTS OF MOTOR CARRIERS

Reports of Companies Controlling Motor Carriers

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D.C., on the 4th day of November A.D. 1959.

The matter of motor carrier annual reports being under consideration pursuant to section 220(a) of the Interstate Commerce Act, as amended; and,

It appearing that, each company which has been found by an order of this Commission in a proceeding under section 5 of the Interstate Commerce Act to be subject to the provisions of section 220 of the Interstate Commerce Act by reason of control over one or more motor carriers through ownership of securities issued or assumed by such controlled motor carriers shall file a report of its financial transactions each calendar year in accordance with Motor Carrier Annual Report Form A prescribed for that year;

It further appearing that in addition to the report of the financial transactions of such companies now required to be filed, a supplemental consolidated report to said Annual Report Form A is essential for such companies and their subsidiaries in order to present the complete financial condition of the controlling companies and the subsidiary companies;

It further appearing, That the amendment of the regulations hereinafter adopted is not one of general applicability, but applies to named companies previously identified in orders of this Commission, so that the public rule making requirements of section 4(a) of the Administrative Procedure Act are deemed to be unnecessary, and for purposes of proper administration of Part II of the Act:

It is ordered, That the regulations be, and are hereby, amended by adding the following new and additional paragraph (immediately following the text of § 205.2, Motor Carrier Holding Companies, of the Code of Federal Regulations):

Each company subject to this section is hereby required to file with this Commission, in addition to said Annual Report Form A, a supplemental consolidated report setting forth the complete financial condition of such company and its subsidiaries in the scope and form indicated in the instructions attached hereto[1] for the calendar year 1959 and each succeeding year thereafter. Such supplemental financial reports shall be attached to and considered an integral part of the Motor Carrier Annual Report Form A filed by each company.

(Sec. 220(a); 49 Stat 563, as amended; 49 U.S.C. 320)

It is further ordered, That this order shall be served on each company subject to this reporting requirement, and that notice of the order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing the order with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–10296; Filed, Dec. 4, 1959; 8:49 a.m.]

[1] Filed as part of the original document.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 16]

FOREIGN CURRENCY; ITALIAN LIRA

Designation of Italy as Quarterly Rate Country

Notice is hereby given that pursuant to section 522(c)(1)(B) of the Tariff Act of 1930, as amended (31 U.S.C. 372 (c)(1)(B)), it is proposed to designate Italy as a country whose currency in accordance with the applicable law and regulations shall be subject to conversion for customs purposes at the rate first certified by the Federal Reserve Bank of New York for a day within the quarter in which the day of exportation falls and to amend § 16.4 of the Customs Regulations to add "Italy" to the list of countries set forth at the end of paragraph (d), effective with the quarter commencing January 1, 1960.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Data, views, or arguments with respect to this proposal may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., in writing. To insure consideration of such communications they must be received in the Bureau of Customs not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 1, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-10306; Filed, Dec. 4, 1959; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE REGULATIONS

Fort Hall Indian Irrigation Project, Idaho

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of March 1, 1907 (34 Stat. 1024) and August 1, 1914 (38 Stat. 583), it is proposed to amend §§ 221.32 through 221.36 of the Code of Federal Regulations, Title 25—Indians, dealing with the management and operation of the Fort Hall Indian Irrigation Project, as set forth below.

The purpose of the amendment is to provide that the annual assessment shall be due and payable on April 1 of each year instead of the present practice permitted under existing regulations, which allows water to be delivered upon payment of 50 percent of the annual assessment on the due date and the balance on or before July 1 of each year. The amendment also provides that no water shall be delivered to non-Indian owned lands or Indian owned lands which have been under lease for a total period of three years to non-Indians or Indians who are not members of the tribe until all assessments have been paid. In the case of Indian owned lands leased to non-Indians or non-members of the tribe, an approved lease must be filed with the Superintendent of the Fort Hall Indian Agency prior to the delivery of water.

This proposed amendment relates to matters which are subject to the rule making requirements of the Administrative Procedures Act (5 U.S.C. 1003); and accordingly, interested persons are hereby given an opportunity to participate in the proposed rule making by submitting written views, data, or arguments to the Area Director, Bureau of Indian Affairs, 1001 NE. Lloyd Boulevard, Post Office Box 4097, Portland 8, Oregon, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 30, 1959.

1. Section 221.32 is amended to read as follows:

§ 221.32 Basic and other water charges.

(a) In compliance with the provisions for the act of March 1, 1907 (34 Stat. 1024), the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership and Indian owned lands leased to a non-Indian or non-member of the tribe on the Fort Hall Indian Reservation, Idaho, to which water can be delivered for irrigation are hereby fixed for the calendar year 1960 and subsequent years until further notice as follows:

	Per acre
(1) Fort Hall Projects	$3.75
(2) Minor Units, Fort Hall	1.25

(b) In addition to the foregoing charges, there shall be collected a minimum charge of $5.00 for the first acre or fraction thereof on each tract of land for which operation and maintenance bills are prepared. No bill shall be rendered for less than $8.75.

2. Section 221.33 is amended to read as follows:

§ 221.33 Payment.

The assessments fixed in § 221.32 shall become due on April 1 of each year and are payable on or before that date. To all assessments against lands in non-Indian ownership and against lands in Indian ownership which do not qualify for free water under § 221.34, there shall be added a penalty of one-half of one percent per month or fraction thereof from the due date until paid. No water shall be delivered to any of these lands until the entire irrigation charges have been paid. To qualify Indian owned leased lands for exemption under § 221.34 an approved lease must be on file at the Fort Hall Agency.

3. The headnote and present text of § 221.34 are amended to read as follows:

§ 221.34 Lands owned by Indians that are not subject to assessments.

Lands owned by Indians which have not been under lease for a total period of three years to non-Indians or non-members of the tribe are not subject to operation and maintenance assessments during such three-year period. Upon the expiration of such three-year period, the lands thereafter, when under lease to non-Indians or non-members of the tribe, are subject to operation and maintenance assessments the same as lands in non-Indian ownership and lands owned by non-members of the tribe within the project. (See Solicitor's Opinion M28701 approved September 24, 1936, and the instructions of September 16, 1938, approved September 24, 1938, and instructions of December 1, 1938, approved December 17, 1938.)

4. The headnote and present text of § 221.35 are amended to read as follows:

§ 221.35 Lands owned by Indians that are subject to assessment.

Lands owned by Indians which are under lease to non-Indians or non-members of the Shoshone Bannock Tribes of the Fort Hall Indian Reservation, Idaho, shall not be entitled to water without the payment of operation and maintenance assessments as prescribed in § 221.33.

§ 221.36 [Revocation]

5. Section 221.36 *Delivery to lessees with contracts* is revoked.

[F.R. Doc. 59-10285; Filed, Dec. 4, 1959; 8:47 a.m.]

[25 CFR Part 243]

UTE TRIBE OF UTAH

Disposition of Interests in Tribal Assets by Mixed-Blood Indians

Basis and purpose. Pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003(a)), notice is hereby given that under the authority vested in the Secretary of the Interior by section 27 of the Act of August 27, 1954 (68 Stat. 868; 25 U.S.C. 677a-677aa), it is proposed to add a new part under Subchapter V to Title 25—Indians, of the Code of Federal Regulations, to read as set forth below.

The purpose of this part is to provide policies and procedures governing the disposition of interests in tribal assets by mixed-blood members of the Ute Indian Tribe of Utah acquired pursuant to the Act of August 27, 1954 (68 Stat. 868).

Interested persons may submit written comments, suggestions, or objections

with respect to the proposed amendment to the Bureau of Indian Affairs, Washington 25, D.C., within twenty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 30, 1959.

Sec.
243.1 Purpose of this part.
243.2 Definitions.
243.3 Disposal of interests prior to termination of Federal supervision.
243.4 Disposal of interests subsequent to termination of Federal supervision.
243.5 Offer.
243.6 Notice of offer.
243.7 Acceptance of offer.
243.8 Certificate of non-acceptance.
243.9 Re-offer.
243.10 Subsequent sale.
243.11 Sales by corporation.
243.12 Sales of stock in the corporations.

AUTHORITY: §§ 243.1 to 243.12 issued under sec. 27 of the Act of August 27, 1954 (68 Stat. 868; 25 U.S.C. 677aa)

§ 243.1 Purpose of this part.

The purpose of this part is to provide policies and procedures governing the disposition of corporate shares and certain real estate of the mixed-blood members of the Ute Indian Tribe of Utah acquired pursuant to the Act of August 27, 1954 (68 Stat. 868).

§ 243.2 Definitions.

As used in this part:

(a) "Full-blood member" means each person whose name appears on the final roll of full-blood members as published in the FEDERAL REGISTER on April 5, 1956 (21 F.R. 66), and such other persons as may be admitted to membership in the tribe after August 27, 1954, in the manner provided in the constitution and by-laws of the tribe.

(b) "Mixed-blood member" means each person whose name appears on the final roll of mixed-blood members as published in the FEDERAL REGISTER on April 5, 1956 (21 F.R. 66).

(c) "Member of the tribe" means all mixed-blood and full-blood members as defined in paragraphs (a) and (b) of this section.

(d) "The corporations" means: (1) Ute Distribution Corporation, a Utah Corporation; (2) Antelope-Sheep Range Company, a Utah Corporation; (3) Rock Creek Cattle Range Company, a Utah Corporation.

(e) "The Act" means the Act of August 27, 1954 (68 Stat. 868–878; 25 U.S.C. 677–677aa).

(f) "Tribe" means the Ute Indian Tribe of the Uintah and Ouray Reservation, Utah.

(g) "Real Property" means any interest in land set apart to the mixed-blood group and thereafter acquired by mixed-blood members under the terms of the Act, and does not include lands described in section 9 of the Act (25 U.S.C. 677h).

(h) "Termination of Federal supervision" means termination of Federal supervision over the particular real estate involved by the issuance of a patent in fee or other similar title document, and does not mean termination of the wardship relationship between the Indian and the United States on the occasion of the issuance of a so-called "Termination Proclamation" (25 U.S.C. 677v).

§ 243.3 Disposal of interests prior to termination of Federal supervision.

Any mixed-blood member may dispose of his interest in any real property, as herein defined, after having first offered to the members of the tribe an opportunity to meet his sales price or to meet the highest acceptable bona fide offer received by him. The offer shall be made in accordance with the procedures set forth in §§ 243.5 through 243.10 of this Part 243, and, as far as practicable, with the methods of sales set forth in Part 121 of this chapter. Any contract for the sale of such property to be valid must be approved by the Secretary of the Interior or his authorized representative. The requirement of Secretarial approval shall no longer be applicable after termination of Federal supervision, as herein defined.

§ 243.4 Disposal of interests subsequent to termination of Federal supervision.

Subsequent to the termination of Federal supervision over the property of a mixed-blood member, as herein defined, and before August 27, 1964, any mixed-blood member may dispose of his interest in any real property, as herein defined, after having provided members of the tribe with an opportunity to meet his sales price or meet the highest bona fide offer received by him, which opportunity shall be referred to as a "right of first refusal" in members of the tribe. This shall be a covenant running with the land as to all mixed-blood members and shall be set forth in each deed or other instrument of conveyance in the following language:

Prior to August 27, 1964, the grantee hereunder shall not dispose of any interest in the property herein conveyed without first offering it to the members of the full-blood and mixed-blood groups of the Ute Indian Tribe of the Uintah and Ouray Reservation in accordance with regulations now or hereafter prescribed by the Secretary of the Interior pursuant to the Act of August 27, 1954 (68 Stat. 868). This provision shall also apply to any successor in interest of such grantee who is also a member of the mixed-blood group as defined in the act, it being the intention of this provision to effectuate the purpose of section 15 thereof.

§ 243.5 Offer.

Any mixed-blood member of the tribe desiring to dispose of his interest in real property, as herein defined, prior to termination of Federal supervision over such property, must notify the Superintendent of his desire to dispose thereof, and shall state the price and terms upon which the land is offered for sale or which constitute a bona fide offer to purchase.

§ 243.6 Notice of offer.

The Superintendent shall notify in writing the corporations and the tribal business committee of the tribe of any offer of sale, and shall post notices of the offer of sale in a conspicuous place in the Uintah and Ouray Agency Office at Fort Duchesne and in the Post Offices of the towns of Roosevelt, Whiterocks, Randelett, Myton, and Fort Duchesne, Utah, for a period of at least ten days. The notices shall specifically describe the terms upon which such sale is to be made and the final date for acceptance of offer from members of the tribe by submission of an appropriate bid.

§ 243.7 Acceptance of offer.

Upon receipt of an acceptance of the offering from any member of the tribe to purchase such land, the Superintendent shall immediately notify the mixed-blood member making the offer to sell such land and the sale may be completed in accordance with the offer and acceptance. In the event two or more members of the tribe submit an acceptance of the seller's offer, the Superintendent shall call for sealed bids from the parties submitting such acceptances and the sale shall be made to the highest bidder provided the highest bid equals or exceeds the seller's offering price.

§ 243.8 Certificate of non-acceptance.

If no acceptance is made by a member of the tribe to purchase such land, the Superintendent shall notify the mixed-blood member making such offer that no member of the tribe has accepted the offer to sell and the mixed-blood member may then sell such land at any time within six months thereafter to any person at the same or greater price and upon the same terms and conditions upon which it was offered to the members. The Superintendent shall furnish to such purchaser a certificate, properly acknowledged for recording, certifying that a proper offer at a price and on terms specified in the certificate was made to members of the tribe in accordance with law and the regulations of the Secretary.

§ 243.9 Re-offer.

If no sale is made, within a six months' period after the seller has been so notified by the Superintendent, then a new offer must be made to the members of the tribe in the manner set forth in § 243.5.

§ 243.10 Subsequent sale.

If, for any reason, a sale should not be consummated after an acceptance by a member of the tribe, as provided in § 243.7, a new offer to sell shall be made to the members of the tribe in the manner set forth in § 243.5.

§ 243.11 Sales by corporation.

In the event any of the corporations determine to dispose of any of the land acquired under the provisions of the Act, at any time prior to August 27, 1964, such corporation shall first offer the land to the members of the tribe in accordance with procedures set forth in § 243.5 through 243.10.

§ 243.12 Sale of stock in the corporations.

In the event any stockholder of the corporation determines to sell or dispose of any stock owned by him in any of the

corporations prior to August 27, 1964, he shall first offer it to the members of the tribe in accordance with the provisions set forth in the Articles of Incorporation and in the certificate of stock of such corporation and in the manner provided in §§ 243.5 through 243.10, as fare as practicable.

[F.R. Doc. 59-10286; Filed, Dec. 4, 1959; 8:48 a.m.]

Fish and Wildlife Service

[50 CFR Part 176]

FROZEN RAW BREADED FISH PORTIONS [1]

United States Standards for Grades

Notice is hereby given, pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238, 5 U.S.C. 1003), that the Director of the Bureau of Commercial Fisheries proposes to recommend to the Secretary of the Interior the adoption of the regulations set forth in tentative form below to establish grade standards for frozen raw breaded fish portions. These regulations are to be codified as Title 50, Code of Federal Regulations, Part 176—United States Standards for Grades of Frozen Raw Breaded Fish Portions, and are proposed for adoption in accordance with the anthority contained in Title II of the Agriculutral Marketing Act of August 14, 1946, as amended (7 U.S.C. 1621–1627). Functions under that Act pertaining to fish, shellfish, and any products thereof were transferred to the Department of the Interior by section 6(a) of the Fish and Wildlife Act of August 8, 1956 (16 U.S.C. 742e). These regulations, if made effective, will be the first issued by the Department of the Interior prescribing grade standards for frozen raw breaded fish portions.

Prior to the final adoption of the proposed regulations set forth below, consideration will be given to any written data, views, or arguments relating thereto which are received by the Director, Bureau of Commercial Fisheries, Fish and Wildlife Service, Washington 25, D.C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: December 1, 1959.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

PRODUCT DESCRIPTION AND GRADES

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 176.1 Product description.

Frozen raw breaded fish portions are clean, wholesome, uniformly shaped unglazed masses of cohering pieces (not ground) of raw fish flesh coated with suitable, wholesome batter and breading. They are packaged and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product. The frozen raw breaded fish portions are at least ⅜-inch thick and contain the minimum fish flesh content specified in § 176.21(a). The portions in an individual package are prepared from the flesh of only one species of fish.

§ 176.2 Grades of frozen raw breaded fish portions

(a) "U.S. Grade A" is the quality of frozen raw breaded fish portions that possess good flavor and odor; and for those factors of quality which are rated in accordance with the scoring system outlined in this part the total score is not less than 90 points.

(b) "U.S. Grade B" is the quality of frozen raw breaded fish portions that possess at least reasonably good flavor and odor; and for those factors of quality which are rated in accordance with the scoring system outlined in this part the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen raw breaded fish portions that fail to meet the requirements of U.S. Grade B.

§ 176.11 Ascertaining the grade.

(a) The grade of frozen raw breaded fish portions is ascertained from the evaluation of a sample unit consisting of ten frozen raw breaded portions selected at random from one or more packages as necessary. The evaluation of the quality factors is made from the examination of the product in the frozen state and after it has been cooked in a suitable manner. The following factors are evaluated in ascertaining the grade of the product: Flavor and odor, appearance, uniformity, absence of defects, and character. These factors are rated in the following manner:

(1) *Flavor and odor.* These factors are rated directly by organoleptic examination. Score points are not assessed (see § 176.12).

(2) *Appearance, uniformity, absence of defects, and character.* The relative importance of these factors is expressed numerically on the scale of 100. The maximum number of points that may be given each of the factors are:

Factors	*Points*
Appearance	25
Uniformity	20
Absence of defects	40
Character	15
Total possible score	100

§ 176.12 Evaluation of the unscored factor of flavor and odor.

(a) *Good flavor and odor.* "Good flavor and odor" (essential requirements for a Grade A product) means that the product has good flavor and odor characteristic of the indicated species of fish and of the type of coating used; and is free from staleness, and off-flavors and off-odors of any kind.

(b) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" (minimum requirement of a Grade B product) means that the product may be somewhat lacking in good flavor and odor; and is free from objectionable off-flavors and off-odors of any kind.

§ 176.13 Evaluation and rating of the scored factors: Appearance, uniformity, absence of defects, and character.

The essential variations in quality within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. Point deductions are allotted for each degree or amount of variation within each factor. The net score for each factor is the maximum points for that factor less the sum of the deduction-points within the factor. The total score for the product is the sum of the net scores for the four scored factors.

§ 176.14 Appearance.

(a) The factor of appearance refers to the amount of loose breading and frost in the packaged product, and lack of continuity of the coating of the frozen product.

(1) *Loose breading and frost.* "Loose breading" refers to that amount of breading material (crumbs) found free in the package. "Frost" refers to the frozen moisture which is deposited on the product as a white crystalline coating, and which accumulation is objectionable and can be readily removed.

(2) *Continuity.* "Continuity" refers to the coverage of the fish flesh by the coating. Lack of continuity in the frozen state is exemplified by breaks (bare spots, or sections of thin coating through which the fish flesh is slightly visible), ridges (excess breading which projects at the edges of the frozen portion), lumps (objectionable outcropping of the breading on the surface of the frozen portion), and/or depressions (objectionable visible voids or shallow areas in the surface of the portion which are lightly covered by breading). Each ⅛-square-inch area of any break, ridge, lump, or depression is considered an instance of "lack of continuity". Individual breaks, ridges, lumps, or depressions measuring less than ⅛ square inch are not considered.

(b) For the purpose of rating the factor of appearance, the schedule of de-

duction-points in Table I apply. Frozen raw breaded fish portions which receive 25 deduction points for the factor of appearance shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE I—SCHEDULE OF POINT-DEDUCTIONS FOR VARIATIONS IN APPEARANCE

Appearance subfactors	Method of determining subfactor score (percent of net weight)		Deduction points
	Over	Not over	
Loose breading and frost.	0	½	0
	½	1	1
	1	2	3
	2	5	5
	5	10	10
	Lack of continuity	Number of portions affected	
Continuity	(a) Slight (8 to 16 instances per portion).	1	½
		2 or 3	1
		4 or 5	2
		6 or 7	3
		8 to 10	5
	(b) Moderate (17 to 20 instances per portion).	1	1
		2 or 3	3
		4 or 5	5
		6 or 7	7
		8 to 10	10
	(c) Severe (over 20 instances per portion).	1	2
		2 or 3	6
		4 or 5	10
		6 or 7	15
		8 to 10	25

§ 176.15 Uniformity.

(a) The factor of uniformity refers to the degree of conformance of the length, width, and weight of each individual frozen portion to the average length, width, and weight of the portions within a sample unit.

(b) For the purpose of rating the factor of uniformity, the schedule of deduction-points in Table II apply. Frozen raw breaded fish portions which receive 20 deduction-points for the factor of uniformity shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE II—SCHEDULE OF POINT-DEDUCTIONS FOR VARIATIONS IN UNIFORMITY

Method of determining subfactor score	Number of portions affected	Deduction points
Lack of uniformity		
(a) Slight—Portions deviating ±10.1 to 15 percent from average sample weight, or ±⅛ to 3/16 inch from average sample length, or ±⅛ to 3/16 inch from average sample width.	1	0
	2 or 3	1
	4 or 5	3
	6 or 7	5
	8 to 10	7
(b) Moderate—Portions deviating ±15.1 to 20 percent from average sample weight, or more than ±3/16 and up to ¼ inch from average sample length, or more than ±3/16 and up to ¼ inch from average sample width.	1	1
	2 or 3	3
	4 or 5	5
	6 or 7	7
	8 to 10	10
(c) Severe—Portions deviating over 20 percent of average sample weight, or more than ±3/16 inch from average sample length, or more than ±5/16 inch from average sample width.	1	2
	2 or 3	5
	4 or 5	9
	6 or 7	15
	8 to 10	20

§ 176.16 Absence of defects.

(a) The factor of "absence of defects" refers to the degree of freedom from broken portions, damaged portions, lack of adherence, blemishes, and bones. Evaluation of the defects of broken and damaged portions are made on the frozen product. Evaluation of the defects of adherence, blemishes, and bones are made after the product has been cooked in a suitable manner.

(1) *Broken portion.* "Broken portion" means a portion with a break or cut greater than ½ the width or length of the portion.

(2) *Damaged portion.* "Damaged portion" means a portion which has been injured, mashed, or mutilated to the extent that its appearance is materially affected. The amount of damage to a portion is measured by the percentage of the portion affected.

(3) *Adherence.* "Adherence" refers to the adhesion of the coating material (batter and breading) to the fish flesh of the cooked product. Lack of adherence is characterized by a swelling and subsequent bursting of the coating of the cooked product, resulting in exposure of the fish flesh. The degree of nonadherence is measured by the size of the break in the cooked coating. Each ¼ square inch break in the coating showing exposed fish flesh is considered an instance of "lack of adherence".

(4) *Blemish.* "Blemish" means a piece of skin, a fin, a blood spot, a bruise, an excessively dark fat layer, curd spot, scales, or extraneous material. One "instance of skin" means one or more pieces of skin covering an accumulative area up to 1 square inch; except that individual skin pieces less than ⅛ square inch in area are not considered. One "instance of fin" means one identifiable fin or parts of any fin covering an aggregate area up to ½ square inch; except that any fin over ½ square inch in area is considered as 2 instances. One "instance of curd" means one curd spot or a group of curd spots covering an aggregate area up to one square inch; except that no individual curd spot less than 1/16 square inch in area is considered. One "instance of scales" means one scale or group of scales covering an aggregate area up to ½ square inch. One "blood spot", "bruise", or "excessively dark fat layer" (which is yellow, rusting, or extremely dark for the species of fish used) means a blood spot, bruise, or excessively dark fat layer which measures at least ⅛ square inch in area and which is objectionable.

(5) *Bones.* One "instance of bones" means one bone or part of any bone or one group of bones occupying or contacting a circular area up to 1 square inch.

(b) For the purpose of rating the factor of "absence of defects", the schedule of deduction-points in Table III apply.

TABLE III—SCHEDULE OF POINT-DEDUCTIONS FOR ABSENCE OF DEFECTS

Defect subfactors	Method of determining subfactor score	Number of portions affected	Deduction points
Broken portions.	Break or cut greater than ½ the width or length of the portion.	0	0
		1	1
		2	3
		3	12
		4 to 10	40
	Degree of damage		
Damaged portions.	(a) Slight—Affecting over 5 but less than 25 percent of the surface area of the individual portion.	1 or 2	2
		3 to 5	5
		6 to 10	10
	(b) Moderate—Affecting over 25 but less than 50 percent of the surface area of the individual portion.	1 or 2	4
		3 to 5	10
		6 to 10	20
	(c) Severe—Affecting 50 percent or more of the surface area of the individual portion.	1 or 2	8
		3 to 5	20
		6 to 10	40
	Lack of adherence		
Adherence	(a) Slight (1 instance per portion).	1	1
		2 or 3	3
		4 or 5	5
		6 or 7	7
		8 to 10	10
	(b) Moderate (2 or 3 instances per portion).	1	3
		2 or 3	7
		4 or 5	12
		6 or 7	18
		8 to 10	30
	(c) Severe (4 or more instances per portion).	1	5
		2 or 3	10
		4 or 5	18
		6 or 7	30
		8 to 10	40
	Number of instances per sample unit (not over 10 instances are recorded per portion)		
Blemishes	1 or 2		1
	3 or 4		2
	5 or 6		4
	7 or 8		6
	9 or 10		8
	11 or 12		11
	13 or 14		15
	15 or 16		20
	17 or 18		25
	19 or 20		32
	21		40
	Number of instances per sample unit		
Bones	1		1
	2		3
	3		8
	4		15
	5		22
	6		30
	7		40

§ 176.17 Character.

(a) The factor of character refers to the ease of separation of the portions, and the texture of the fish flesh and of the coating.

(1) *Ease of separation.* "Ease of separation" refers to the difficulty of separating one frozen portion from the other.

(2) *Texture.* "Texture" refers to the firmness, tenderness, and moistness of the cooked fish flesh, and to the crispness and tenderness of the coating of the cooked product. The texture of the cooked fish flesh may be classified as a degree of mushiness, tenderness, toughness, or fibrousness. The texture of

the coating in the cooked state may be classified as a degree of pastiness, toughness, dryness, or mushiness.

(b) For the purpose of rating the factor of character, the schedule of deduction-points in Table IV apply. Frozen raw breaded fish portions which receive 15 deduction points for the factor of character shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE IV—SCHEDULE OF POINT-DEDUCTIONS FOR VARIATIONS IN CHARACTER

Character subfactors	Method of determining subfactor score	Number of portions affected	Deduction points
	Degree of ease of separation		
Ease of separation.	(a) Slight—Portions separated by hand with slight effort.	1 to 10	0
	(b) Moderate—Portions separated by hand with difficulty.	1 or 2	1
		3 or 4	2
		5 or 6	3
		7 to 10	5
	(c) Severe—Portions separated only by use of knife or other instrument.	1 or 2	2
		3 or 4	4
		5 or 6	6
		7 to 10	10
	Texture of coating is—		
Texture	(a) Firm or crisp, but not tough, pasty, or mushy.		0
	(b) Slightly tough, pasty, or mushy.		1
	(c) Moderately tough, pasty, or mushy.		5
	(d) Excessively tough, pasty, or mushy.		10
	Texture of fish flesh is—		
	(a) Firm, slightly resilient but not tough or rubbery; moist but not mushy.		0
	(b) Moderately firm, only slightly tough or rubbery; does not form a fibrous mass in the mouth; moist but not mushy.		1
	(c) Moderately tough or rubbery; has noticeable tendency to form a fibrous mass in the mouth; or is dry; or is mushy.		5
	(d) Excessively tough or rubbery; has marked tendency to form a fibrous mass in the mouth; or is very dry; or is very mushy.		15

DEFINITIONS AND METHODS OF ANALYSIS

§ 176.21 Definitions and methods of analysis.

(a) *Minimum fish flesh content.* "Minimum fish flesh content" refers to the minimum percent, by weight, of fish flesh allowed for portions of various surface areas as specified in Table V.

TABLE V—MINIMUM FISH FLESH CONTENT ESTABLISHED FOR FROZEN RAW BREADED FISH PORTIONS

Surface area of portions (square inches)		Minimum fish flesh content
Over—	Up to—	
		Percent by weight
0	15	72
15	21	75
21		78

The minimum fish flesh content for frozen raw breaded fish portions is determined by the following method:

(1) *Equipment and material.* (i) Water bath (3 to 4 liter beaker).

(ii) Balance accurate to 0.1 gram.

(iii) Clip tongs of wire, plastic, or glass.

(iv) Stop-watch or regular watch with second hand.

(v) Paper towels.

(vi) Spatula, 4-inch blade with rounded tip.

(vii) Nut picker.

(viii) Thermometer (immersion type) accurate to ±2°F.

(ix) Copper sulfate crystals (500 grams).

(2) *Procedure.* (i) Obtain the weight of each portion in the sample while it is still in a hard frozen condition.

(ii) Place each portion individually in the water bath maintained at 63° to 86° F. and allow to remain until such time as the breading becomes soft and can easily be removed from the still frozen fish flesh (between 10 to 80 seconds for portions held in storage at 0° F.).

NOTE: Several dry runs are necessary to determine the exact dip time required for "debreading" the portions in a lot sample. For dry runs only, a saturated solution of copper sulfate (500 grams of $Cu\ SO_4.5H_2O$ in 2 liters of tap water) is necessary. The correct dip time is the minimum time required to dip the portions in the (copper sulfate) solution so that the breading can easily be scraped off; provided that (1) the "debreaded" portion is still solidly frozen, and (2) only a slight trace of blue color is visible on the surface of the "debreaded" fish portion.

(iii) Remove the portion from the bath; blot lightly with double thickness paper toweling; and scrape off or pick out coating from the fish flesh with the spatula or nut picker.

(iv) Weigh the "debreaded" fish flesh of the portion.

(v) Calculate the percent of fish flesh in the sample by the following formula:

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (iv)}}{\text{Weight of raw breaded fish portion (i)}} \times (100)$$

(b) *Loose breading and frost.* "Loose breading and frost" refers to the percent, by weight, of "loose crumbs and frost" found in the sample package(s). "Loose breading and frost" is determined by use of a balance (accurate to 0.1 gram) in accordance with the following method:

(1) *Procedure.* (i) Remove the overwrap.

(ii) Weigh carton(s) and all contents.

(iii) Remove breaded fish portions.

(iv) Weigh carton(s) less breaded portions, but including crumbs, frost, and separators (if used).

(v) Remove crumbs and frost from the package(s).

(vi) Weigh cleaned carton(s) and separators.

(vii) Calculate percent loose breading and frost:

$$\text{Percent loose breading and frost} = \frac{\left(\begin{array}{c}\text{Weight carton(s) less breaded portions, but}\\ \text{including crumbs, frost, and separators (iv)}\end{array}\right) - \left(\begin{array}{c}\text{Weight cleaned carton(s)}\\ \text{and separators (vi)}\end{array}\right)}{\text{Weight of cartons(s) and all contents (ii)} - \left(\begin{array}{c}\text{Weight cleaned carton(s)}\\ \text{and separators (vi)}\end{array}\right)} \times 100$$

(c) *Cooking in a suitable manner.* "Cooking in a suitable manner" means cooking in accordance with the frying instructions accompanying the product. However, if specific instructions for frying are lacking, the product for inspection is cooked as follows:

(1) *Equipment and material.* (i) Deep fat fryer (thermostatically controlled).

(ii) Wire mesh deep fry basket.

(iii) Sufficient fat to cover portions.

(iv) Paper towels.

(2) *Procedure.* (i) While still in the frozen state, place the sample to be cooked in a wire-mesh deep-fry basket sufficiently large to hold the portions in a single layer without touching each other.

(ii) Lower basket and its contents into suitable liquid oil or hydrogenated oil heated to 350–375 degrees Fahrenheit. Maintain these temperatures throughout the cooking operation. Fry for three to five minutes, or until the portions attain a pleasing golden brown color.

(iii) Remove basket from oil and allow to drain for fifteen seconds. Place the cooked portions on a paper napkin or towel to absorb excess oil.

LOT CERTIFICATION TOLERANCES

§ 176.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 170, of this chapter (Regulations Governing Processed Fishery Products, Vol. 23 F.R. 5064 July 3, 1958).

SCORE SHEET

§ 176.31 Score sheet for frozen raw breaded fish portions.

Label: _____
Size and kind of container: _____
Container mark or identification: _____
Size of lot: _____
Number of packages per master carton: _____
Size of sample: _____
Type of overwrap (if any): _____
Actual net weight: _____ (lb.) _____ (kg.)

Factor	Maximum score points	Deduction points
Appearance	25	
Uniformity	20	
Absence of defects	40	
Character	15	
Total	100	
Flavor and odor		
Final grade		

[F.R. Doc. 59-10284; Filed, Dec. 4, 1959; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 40, 41, 42]

[Reg. Docket Nos. 40, 41, 42; Draft Release Nos. 59-6, -5, -4]

MAXIMUM AGE LIMITATIONS FOR PILOTS

Notice of Public Hearing

Notice is hereby given that an informal hearing in accordance with section 4(b),

of the Administrative Procedure Act will be held before a representative of the Administrator, at 10:00 a.m., e.s.t., on January 7, 1960, at 1711 New York Avenue NW., Washington, D.C., for the purpose of receiving the oral views and comments of interested persons in regard to certain proposals contained in Draft Releases 59–4, 59–5, and 59–6 published in the FEDERAL REGISTER on June 27, 1959 (24 F.R. 5247–5249). The proposals to be considered at the hearing will be limited to those portions of the draft releases pertaining to the maximum age limitation of 55 for pilots transitioning to jet aircraft. As set forth in the draft releases the specific proposals for Parts 40 and 41 read as follows: "No individual who has reached his 55th birthday shall be utilized or serve as a pilot in command, or as second in command of a flight crew of 3 or more pilots, on a turbojet-powered aircraft engaged in air carrier operations unless he held an aircraft type rating for the particular aircraft either prior to such birthday or the effective date of this regulation." The proposal under consideration for Part 40 is the same except that the clause "or as second in command of a flight crew of 3 or more pilots" is omitted.

Any person who wishes to present oral views and comments at such hearing should send advance written notice of such intention addressed to the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue, Washington 25, D.C. Such notice should include the name of the person or persons represented and an estimate of the amount of time to be required for the presentation of the views and comments.

All comments received in the hearing will be considered before taking action on the proposed rule, and the proposal may be changed in light of the comments received.

The proposed rules contained in the draft releases included a provision, omitted from the text quoted above, establishing a maximum age of 60 years for utilization of pilots in air carrier operations. This part of the proposal has been adopted by amendments to the Civil Air Regulations and is not included in the subject matter of the hearing.

Issued in Washington, D.C., on December 1, 1959.

JAMES L. GODDARD,
Civil Air Surgeon.

[F.R. Doc. 59–10298; Filed, Dec. 4, 1959; 8:49 a.m.]

[14 CFR Parts 40, 41, 42, 46]

[Reg. Docket No. 193; Draft Release 59–18]

APPROVAL OF RADIO AND RADAR EQUIPMENT IN AIR CARRIER AIRCRAFT

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations as hereinafter set forth.

Parts 40, 41, 42, and 46 of the Civil Air Regulations presently require that radio equipment specified for the type of operation in which the aircraft is engaged be approved and installed in accordance with the provisions of the airworthiness requirements applicable to the equipment concerned.

In recent years, many new specialized radio and radar devices have been installed and used in aircraft as a adjunct to air navigation and communication. Such devices as airborne weather radar, doppler radar, ATC transponders, SELCAL, DME, LORAN, and proposed units such as data transfer and proximity warning equipment fall into this category.

Some of these devices are not required as items for dispatch of the aircraft; however, the information derived from such specialized units is used for communications or to determine the location and flight path of the airplane. Such equipment thus may have a significant effect on the safe operation of the flight, although not specifically required to be installed by regulation.

The Bureau of Flight Standards considers it essential that, when used in the operation of aircraft, such equipment and its installation meet the performance standards of an applicable Technical Standard Order or have been type certificated. In addition, the Bureau believes it necessary to require prior approval of the installation and service testing of such equipment when it is used only for experimental or evaluation purposes, and also to specify the duration of such service testing in the Operations Specifications of the air carrier involved. Accordingly, it is proposed to amend Parts 40, 41, 42, and 46 to expressly make these new safety standards applicable to such radio and radar equipment installed aboard an airplane or aircraft used in air transportation pursuant to the foregoing parts.

Inasmuch as Technical Standard Orders have not been fully developed for all radio and radar equipment, compliance with the performance standards specified therein will not be required until 90 days after publication of each such Technical Standard Order.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received by February 5, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comment received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424).

In consideration of the foregoing, it is proposed to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations as follows:

1. By amending § 40.230 to read as follows:

§ 40.230 Radio and radar equipment.

Each airplane used in air transportation pursuant to this part shall be equipped with radio and radar equipment specified for the type of operation in which it is engaged. All radio and radar equipment installed which provides information used for operational purposes or to determine geographical position or for communications shall meet the performance standards prescribed by the applicable Technical Standard Order or be type certificated. When such equipment is used only for experimental or evaluation purposes, prior approval of its installation and service testing is required and a termination date for such service testing shall be specified in the Air Carrier Operations Specifications. Where two independent radio systems are required by §§ 40.231 and 40.232, each system shall have an independent antenna installation: *Provided,* That, where rigidly supported nonwire antennas or other antenna installations of equivalent reliability are used, only one such antenna need be provided.

2. By promulgating an amendment to Parts 41, 42, and 46 similar to that proposed in paragraph 1 above.

Issued in Washington, D.C., on November 30, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

[F.R. Doc. 59–10275; Filed, Dec. 4, 1959; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59–WA–397]

FEDERAL AIRWAYS

Modification of Federal Airway

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6113 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 113 and its associated control areas presently extends from Paso Robles, Calif., to Reno, Nev. The Federal Aviation Agency is proposing to modify the segment of this airway from the Paso Robles, Calif., VOR to the Los Banos, Calif., VOR (formerly the Panoche VOR) by realigning it via a VOR to be installed approximately February 15, 1960, near Priest, Calif., at latitude 36°08'17" N., longitude 120°39'57" W. The realignment of this segment of Victor 113 would provide more precise navigational guidance for air traffic operating between Paso Robles

and Los Banos. The control areas associated with Victor 113 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

In consideration of the foregoing, the Federal Aviation Agency proposes to realign the segment of VOR Federal airway No. 113 and associated control areas from Paso Robles to Los Banos by designating it from Paso Robles, Calif., to Los Banos, Calif., via Priest, Calif.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on November 30, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-10273; Filed, Dec. 4, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-LA-63]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6604 and 601.6604 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 1504 presently extends from San Francisco, Calif., to Malad City, Idaho, and from Lone Rock, Wis., to Washington, D.C. The Federal Aviation Agency has under consideration the extension of Victor 1504 from the Malad City VOR via a VOR to be installed approximately November 15, 1959, near Big Piney, Wyo., at latitude 42°34'47" N., longitude 110°06'27" W., thence to the Casper, Wyo., VOR. This extension would provide a direct airway for VHF equipped aircraft operating at intermediate altitude levels between Malad City and Casper.

If this action is taken, VOR Federal airway No. 1504 and its associated control areas would extend from San Francisco, Calif., to Casper, Wyo., and from Lone Rock, Wis., to Washington, D.C.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on November 30, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-10271; Filed, Dec. 4, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-NY-19]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6260 and 601.6260 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 260 presently extends from Charleston, W. Va., to Richmond, Va. The Federal Aviation Agency is considering the designation of a north alternate to Victor 260 between Charleston, W. Va., and Rainelle, W. Va., via the intersection of the Charleston VOR 083° and the Rainelle VOR 317° radials. This modification will provide an additional route for aircraft enroute to Charleston from the south and east, and would reduce the number of radar vectors now required in handling this traffic in the Charleston terminal area.

The Federal Aviation Agency is also considering designating a Victor 260 south alternate from the Hollins VOR via the intersection of the Hollins, Va., VOR 175° and the Lynchburg, Va., VOR 253° radials to the Lynchburg VOR. This modification of Victor 260 would provide an additional arrival route for aircraft enroute to Roanoke, Va.; would allow straight-in approaches to Roanoke Airport from a holding point to be established on this route near Moneta, Va.; would eliminate the need for holding arrival aircraft at the Roanoke outer compass locator; and would free VOR Federal airways No. 103 and 260 for departure traffic from Roanoke.

If these actions are taken, a north alternate to VOR Federal airway No. 260 and associated control areas would be designated between Charleston, W. Va., and Rainelle, W. Va., and a south alternate with associated control areas would be designated between Hollins, Va., and Lynchburg, Va.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Fed-

eral Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on November 30, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-10272; Filed, Dec. 4, 1959; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-LA-3]

RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.14 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal, by the Department of the Air Force, for designation of a Restricted Area/Military Climb Corridor at George Air Force Base, Victorville, Calif. The military climb corridor, designated as a restricted area, would confine high-speed, high rate-of-climb Century series aircraft departing from the airbase on active air defense missions within a relatively small area. The restricted area would provide protection for these aircraft and other users of the airspace during the initial climb phase of the air defense mission. The proposed Restricted Area/Military Climb Corridor would be centered on the 250° True radial of the George Air Force Base TVOR and would extend from 5 statute miles west of the airbase to 30 statute miles west of the airbase expanding uniformly from a width of 2 statute miles at the beginning to 4.6 statute miles at the outer extremity. The lower altitude limits would extend in graduated steps from 4,900 feet MSL to 21,900 feet MSL. The upper altitude limits would extend in graduated steps from 17,900 feet MSL to 27,000 feet MSL. The time of use would be continuous. The controlling agency would be George Air Force Base Approach Control. The controlling agency would authorize aircraft to operate within the restricted area when not in use for active air defense missions.

If this action is taken, the George Air Force Base, Calif., Restricted Area/Military Climb Corridor (R-578) (Los Angeles Chart) would be designated as follows:

Description: That area centered on the 250° True radial of the George Air Force Base Terminal VOR extending from 5 statute miles west of the airbase to 30 statute miles west of the airbase having a width of 2 statute miles at the beginning and a width of 4.6 statute miles at the outer extremity.

Designated Altitudes

4,900' MSL to 17,900' MSL from 5 statute miles W of the airbase to 6 statute miles W of the airbase.
4,900' MSL to 26,900' MSL from 6 to 7 statute miles W of the airbase.
4,900' MSL to 27,000' MSL from 7 to 10 statute miles W of the airbase.
8,900' MSL to 27,000' MSL from 10 to 15 statute miles W of the airbase.
12,900' MSL to 27,000' MSL from 15 to 20 statute miles W of the airbase.
17,900' MSL to 27,000' MSL from 20 to 25 statute miles W of the airbase.
21,900' MSL to 27,000' MSL from 25 to 30 statute miles W of the airbase.

Time of use. Continuous.

Controlling agency. George Air Force Base Approach Control.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on November 30, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-10274; Filed, Dec. 4, 1959; 8:46 a.m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-57 (Sub. No. 3)]

STATES MARINE LINES, INC.

Amended Notice of Hearing

The notices published in the FEDERAL REGISTER on October 7, and November 11, 1959, concerning a public hearing to be held on the section 804 issues of an application filed by States Marine Lines, Inc., under section 601 of the Merchant Marine Act, 1936, as amended, for an operating-differential subsidy agreement, are hereby amended to delete the descriptions of the foreign-flag activities by affiliated or associated companies, and to substitute in lieu thereof the following descriptions. In all other respects the notices of October 7, and November 11, 1959, remain unchanged.

By Global Bulk Transport Corporation (formerly States Marine Corporation). The ownership and/or operation of the following vessels (tonnages are approximate); the companies operating the nineteen vessels shown in Items 1, 2, 3, 4, and 5 below, to charter substitute or supplementary vessels, either U.S. or foreign flag, carrying the named bulk ore cargoes in the services described in (b), (c), and (d) below.

1. Six Norwegian-flag combination ore carrier/tankers of 23,860 to 29,050 deadweight tons. To operate in the services described in (a), (b) and (c) below.

2. Five Liberian-flag ore carriers of 35,000 deadweight tons and two Norwegian-flag ore carriers of 18,700 deadweight tons. To operate in the services described in (b) and (c) below.

3. Three Norwegian-flag ore carriers of 34,970 deadweight tons. To operate in the services described in (b), (c) and (d) below.

4. Two Norwegian-flag ore carriers of 35,400 deadweight tons. To operate in the services described in (b) and (c) below.

5. One Norwegian-flag combination ore carrier/tanker of 31,798 deadweight tons. To operate in the services described in (a), (b) and (c) below.

6. One Norwegian-flag converted Liberty ship of 10,800 deadweight tons. To operate in the service described in (e) below.

7. One Norwegian-flag tanker of 33,310 deadweight tons. To operate in the service described in (a) below.

The trades in which these vessels will operate, as indicated above, are described as follows:

(a) Worldwide trade carrying petroleum and its products in bulk.

(b) Worldwide trade, not in the foreign commerce of the United States, carrying various types of ore in bulk.

(c) From Canada, Liberia, Brazil, Chile, Peru and Venezuela to United States Atlantic and Gulf ports carrying iron ore in bulk, and from Brazil to United States Atlantic and Gulf ports carrying manganese ore in bulk.

(d) From Jamaica, B.W.I., to United States Gulf ports carrying bauxite in bulk, occasionally carrying supplies and equipment to and from Baton Rouge and Gramercy, Louisiana, and the mining installations in Jamaica.

(e) From Cuba to United States Gulf ports carrying cobalt and nickel slurry in bulk; from United States Gulf ports to Cuba carrying molten sulphur in bulk and liquified petroleum gas in pressurized tanks; and from United States Gulf ports to Moa Bay, Cuba, carrying supplies from the mining and loading installation at Moa Bay.

In addition to the above, Global Bulk Transport Corporation acts as agent in the United States for a fleet of British-flag tramp vessels engaged in worldwide full cargo trading.

By Navegacion del Pacifico (Mexico). The ownership and operation under Mexican flag of a river boat, six lighters, and two tugs, all used to provide lighter service to vessels at Guaymas and La Paz, Mexico.

By Isthmian Lines, Inc. The use, from time to time as port conditions require, of chartered foreign-flag vessels as lighters in the Persian Gulf.

The hearing will be before an Examiner, at a time and place to be announced, and a recommended decision will be issued.

No briefs will be permitted, but any party will be permitted to offer oral argument before the Presiding Officer at the close of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in the proceeding, must file notification thereof with the Secretary, Federal Maritime Board, Washington 25, D.C., in writing in triplicate by the close of business on December 8, 1959.

Dated: December 3, 1959.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-10349; Filed, Dec. 4, 1959; 8:51 a.m.]

Office of the Secretary

JAMES H. SANDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of the last six months.

A. Deletions: Revlon, Inc., Electro Voice, Inc., Amurex Oil.

B. Additions: Cook Coffee Co., A. C. Nielsen Co., Lindberg Steel Treating Co., Inc.

This statement is made as of November 19, 1959.

JAMES H. SANDS.

NOVEMBER 20, 1959.

[F.R. Doc. 59-10268; Filed, Dec. 4, 1959; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 5]

PEORIA UNION STOCK YARDS CO.

Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on November 26, 1957 (16 A.D. 1100), authorizing the respondent, The Peoria Union Stock Yards Co., Peoria, Illinois, to assess the current temporary schedule of rates and charges to and including December 31, 1959, unless modified or extended by further order before that date.

On November 25, 1959, a petition was filed on behalf of the respondent requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requesting that such schedule, as so modified, be continued in effect to and including December 31, 1961.

ITEM 1. Yardage charges will be assessed on all livestock (or deadstock) sold through these yards or resold by regular selling agencies at the following rate in cents per head:

	Present	*Proposed*
Cattle	82	90
Calves (300 lbs. and under)	43	45
Hogs	27	30
Sheep and goats	21	25

ITEM 2. Charges will be collected on all livestock resold on the market (except as specified in Items 1 and 3) at the following rate in cents per head:

	Present	*Proposed*
Cattle	41	45
Calves	22	23
Hogs	14	15
Sheep	11	13

ITEM 3. Charges subject to the right of this Company to demand full proof of the facts making this Item applicable will be collected on all livestock resold or reweighed for shipment off the market at the following rates in cents per head:

	Present	*Proposed*
Cattle	15	16
Calves	10	11
Hogs	6	7
Sheep	6	7

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 2d day of December 1959.

LEE D. SINCLAIR,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-10314; Filed, Dec. 4, 1959; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket 50-38]

MARTIN CO.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 4, set forth below, to License No. CX-7. The amendment authorizes The Martin Company, as requested in its application for license amendment dated September 14, 1959, to conduct certain experiments involving the replacement of fuel tubes in the center of the MPR critical assembly by a plate type fuel element of the kind used in the ERDL critical experiments, in the Company's Critical Experiment Facility located near Middle River, Maryland. The Commission has found that operation of the facility in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the facility.

In accordance with the Commission's "Rules of Practice" (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Such request should be addressed to the Secretary at the AEC's offices in Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details, see (1) the application for license amendment dated September 14, 1959, submitted by The Martin Company and (2) a hazards analysis of the proposed operation prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington

25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 27th day of November 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[License No. CX–7; Amdt. 4]

In addition to the activities previously authorized by the Commission in License No. CX–7, as amended, The Martin Company is authorized to conduct experiments involving the replacement of fuel tubes in the center of the MPR critical assembly by a plate type fuel element of the kind used in the ERDL critical experiments in the Company's Critical Experiment Facility located near Middle River, Maryland, as described in the Company's application for license amendment dated September 14, 1959. The experiments shall be conducted in accordance with the procedures and subject to the limitations contained in License No. CX–7, as amended, and in the application for license amendment dated September 14, 1959.

This amendment is effective as of the date of issuance.

Date of issuance: November 27, 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 59–10265; Filed, Dec. 4, 1959; 8:45 a.m.]

[Source Material License No. R–174]

[Docket No. 40–1341]

MINES DEVELOPMENT, INC.

Notice of Hearing

Pursuant to § 2.202(b) of the Commission's "Rules of Practice" the Commission on November 2, 1959, issued an order which required the Mines Development, Inc., hereinafter referred to as the Respondent, to take certain corrective action with respect to the operation of its mill at Edgemont, South Dakota. The order provided that the Respondent could request a formal hearing in the matter within fifteen days after the date of the order. In a letter dated November 13, 1959, received by the Commission on November 16, 1959, the Respondent requested such a hearing.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Parts 2, 20, and 40, Title 10, Code of Federal Regulations, notice is hereby given that a hearing will be held on January 7, 1960, in Denver, Colorado, at a time and place to be set by the presiding officer. Samuel W. Jensch will be the presiding officer.

SPECIFICATION OF ISSUES

The matters to be considered at the hearing are:

1. Whether the Respondent in violation of § 20.201(b), 10 CFR Part 20, failed to conduct surveys in mill areas which are occupied by employees to determine the concentrations of airborne radioactivity.

2. Whether the Respondent in violation of § 20.201(b), 10 CFR Part 20, failed to conduct adequate surveys in mill areas which are occupied by employees to determine the external radiation levels.

3. Whether the order dated November 2, 1959, directing the Respondent to take certain action with respect to the operation of its mill should be sustained.

Answer to this notice shall be served and filed by the Respondent pursuant to § 2.736, 10 CFR Part 2, on or before December 10, 1959; papers required to be filed with the Commission in this proceeding shall be filed by mailing to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 30th day of November 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 59–10266; Filed, Dec. 4, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13286; FCC 59M–1623]

GEORGE WILSON

Order Scheduling Hearing

In the matter of George Wilson, 1419 E. Lomita Street, Orange, California, Docket No. 13286; order to show cause why there should not be revoked the license for Citizens Radio Station 11W1333.

It is ordered, This 1st day of December 1959, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 26, 1960, in Washington, D.C.

Released: December 1, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–10263; Filed, Dec. 4, 1959; 8:45 a.m.]

[Docket No. 13285; FCC 59M–1622]

GERALD BAHL

Order Scheduling Hearing

In the matter of Gerald Bahl, 102 Lincoln Avenue, Hinckley, Illinois, Docket No. 13285; order to show cause why there should not be revoked the license for Citizens Radio Station 18W1990.

It is ordered, This 1st day of December 1959, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 25, 1960, in Washington, D.C.

Released: December 1, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–10307; Filed, Dec. 4, 1959; 8:50 a.m.]

[Docket No. 13272; FCC 59M–1615]

ULSTER COUNTY BROADCASTING CO.

Order Scheduling Prehearing Conference

In re application of Saul Dresner, Alfred Dresner, Samuel Dresner and Rose Dresner, d/b as Ulster County Broadcasting Company, Ellenville, New York, Docket No. 13272, File No. BP–11781; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 30th day of November 1959, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 9:30 a.m., December 18, 1959.

Released: December 1, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–10308; Filed, Dec. 4, 1959; 8:50 a.m.]

[Docket No. 13288; FCC 59–1207]

EVANSTON CAB CO.

Order Designating Application for Hearing on Stated Issues

In re application of Evanston Cab Co., Docket No. 13288, File No. 34460–LX–59; for authorization to operate a base station in the Taxicab Radio Service in Chicago, Ill.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of November 1959;

The Commission having under consideration the above-captioned application of Evanston Cab Co., Evanston, Illinois, for authority to operate in the City of Chicago, Illinois, a base station in the Taxicab Radio Service; and

It appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-named applicant was advised by letter of May 28,

1959, supplemented by letters of June 22, 1959 and July 17, 1959, that in view of the considerations set forth therein it could not be determined that a grant of said application would serve the public interest, convenience and necessity; and

It further appearing that, upon due consideration of the applicant's replies thereto, dated June 12, 1959 and August 1, 1959, the Commission is still unable to make such a determination;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine how Evanston Cab Co. will operate in the City of Chicago, Ill., the amount and nature of its business in that city, and the necessity for the additional base station to fulfill its needs.

2. To determine the increase in interference to be encountered by existing licensees on Channel 4 (152.45, 157.71 Mc) as a result of the operation of Evanston Cab Co. at the proposed base station in Chicago, Illinois.

3. To determine the extent to which available channels in the 152–162 Mc band may be employed by existing licensees in the metropolitan Chicago, Illinois area.

4. To determine whether the applicant, Evanston Cab Co., presently, or in the foreseeable future, may lawfully pick up passengers in the City of Chicago, Illinois.

5. To determine the adequacy of the authorization received by applicant, Evanston Cab Co., from the Business Radio Service to fulfill the purposes for which this application was filed.

6. To determine whether, in light of the evidence adduced on the foregoing issues, the public interest, convenience, and necessity would be served by the grant of the Evanston Cab Co. application.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: December 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–10309; Filed, Dec. 4, 1959; 8:50 a.m.]

[Docket Nos. 13276–13279; FCC 59–1188]

LARAMIE BROADCASTERS ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Grady Franklin Maples, Edna Hill Maples, George G. Entz, and William R. Vogel d/b as Laramie Broadcasters, Laramie, Wyoming, requests: 1490 kc, 100 w, U, Docket No. 13276, File No. BP–12166; Garden of the Gods Broadcasting Company (KCMS), Manitou Springs, Colorado, has: 1490 kc, 100 w, U, requests: 1490 kc, 250 w, U, Docket No. 13277, File No. BP–12339; Boulder Radio KBOL, Inc. (KBOL), Boulder, Colorado, has: 1490 kc, 250 w, U, requests: 1490 kc, 250 w, 1 kw–LS, U, Docket No. 13278, File No. BP–12572; T. I. Moseley, Denver, Colorado, requests: 1470 kc, 1 kw, DA, Day, Docket No. 13279, File No. BP–13147.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of November 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated September 28, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that, the proposed 25 mv/m contour of Garden of the Gods Broadcasting Company (KCMS) overlaps the existing 25 mv/m contour of Station KYSN, Colorado Springs, Colorado, in contravention of Section 3.37 of the Commission's Rules; that by amendment filed on October 19, 1959, Garden of the Gods Broadcasting Company (KCMS), requested a waiver of Section 3.37 of the Rules, but that the showing in support of the request was insufficient to indicate whether circumstances exist which would warrant a waiver of the rule at this time; and

It further appearing that in the Commission's above-referred letter, T. I. Moseley and Boulder Radio KBOL, Inc., were advised that field intensity measurement data would be necessary to establish whether the proposed 25 mv/m contour of T. I. Moseley would overlap the proposed 2.0 mv/m contour of Boulder Radio KBOL, Inc., in contravention of § 3.37 of the Commission rules; that such measurement data, while still necessary to resolve the above-mentioned § 3.37 question, have not yet been received, although T. I. Moseley in a reply filed on October 19, 1959, indicated that field intensity measurements would be made; that in an amendment filed November 12, 1959, Boulder Radio KBOL, Inc., indicated that evidence would be adduced in hearing to demonstrate that no 2 mv/m or 25 mv/m contour overlap would in fact exist, but also requested a waiver of § 3.37 of the rules in the event that overlap is found to exist; and

It further appearing that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from Laramie Broadcasters and T. I. Moseley and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Stations KCMS and KBOL and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of Laramie Broadcasters, would involve objectionable interference with Stations KGOS, Torrington, Wyoming and KBOL, Boulder, Colorado, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Boulder Radio KBOL, Inc., would involve objectionable interference with the existing operation of stations KCMS, KOLR, and KUDY, Manitou Springs, Sterling, and Littleton, Colorado, respectively, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the instant proposal of T. I. Moseley would involve objectionable interference with the existing operation of Station KBOL, Boulder, Colorado, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the avail-

ibility of other primary service to such areas and populations.

7. To determine whether interference received from the existing operation of Station KBOL, Boulder, Colorado, would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Garden of the Gods Broadcasting Company (KCMS), in contravention of § 3.28(c) (3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

8. To determine if the proposed antenna system of T. I. Moseley would be reasonably free of deleterious effects with nearby structures.

9. To determine whether the instant proposals of Garden of the Gods Broadcasting Company (KCMS), Boulder Radio KBOL, Inc., (KBOL), and T. I. Moseley would be in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

10. To determine in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

11. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Kermit G, Kath, Sterling Broadcasting Corporation, Skyline Broadcasting, Inc., and General Broadcasting Corporation, licensees of Stations KGOS, KOLR, KUDY, and KYSN, respectively, are made parties to the proceeding, and Boulder Radio KBOL, Inc., and Garden of the Gods Broadcasting Company are made parties to the proceeding with respect to the existing operations of Stations KBOL and KCMS.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-10310; Filed, Dec. 4, 1959; 8:50 a.m.]

[Docket Nos. 12654, 12935; FCC 59M-1625]

OLD BELT BROADCASTING CORP. (WJWS) AND PATRICK HENRY BROADCASTING CORP. (WHEE)

Order Scheduling Hearing

In re applications of Old Belt Broadcasting Corporation (WJWS), South Hill, Virginia, Docket No. 12654, File No. BP-11412; Patrick Henry Broadcasting Corporation (WHEE), Martinsville, Virginia, Docket No. 12935, File No. BP-11416; for construction permits.

It is ordered, This 2d day of December 1959, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 13, 1960, in Washington, D.C.

Released: December 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-10311; Filed, Dec. 4, 1959; 8:51 a.m.]

[Docket No. 13275; FCC 59-1187]

TRI STATE BROADCASTING CO. (WONW)

Order Designating Application for Hearing on Stated Issues

In re application of Tri State Broadcasting Company (WONW), Defiance, Ohio, Has: 1280 kc, 500 w, DA-N, U., Requests: 1280 kc, 500 w, 1 kw-LS, DA-N, U., Docket No. 13275, File No. BP-12305; for construction permit.

At a session of the Federal Communications Commission held at its office in Washington, D.C., on the 25th day of November 1959;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated September 15, 1959, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant and requiring an evidentiary hearing on the particular issues as hereinafter specified; and,

It further appearing that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WONW and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WONW would involve objectionable interference with Station WFYC, Alma, Michigan, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, WFYC, Incorporated, licensee of Station WFYC is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: December 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-10312; Filed, Dec. 4, 1959; 8:51 a.m.]

[Docket No. 12651, etc.; FCC 59-1189]

JAMES E. WALLEY ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of James E. Walley, Oroville, California, Requests: 1340 kc, 250 w, U, Docket No. 12651, File No. BP-11655; Robert L. Stoddard, tr/as Sierra Broadcasting Company (KATO), Reno, Nevada, Has: 1340 kc, 250 w, U, Requests; 1340 kc, 250 w, 1 kw-LS, U, Docket No. 12819, File No. BP-12299; Finley Broadcasting Company (KSRO), Santa Rosa, California, Has: 1350 kc, 1 kw, DA-1, U, Requests: 1350 kc, 5 kw, DA-N, U, Docket No. 12820, File No. BP-12313; Gene V. Mitchell and Robert T. McVay,

d/b as Sanval Broadcasters, Oroville, California, Requests: 1340 kc, 250 w, U, Docket No. 12821, File No. BP–12381; Leslie G. Foote, tr/as Mojave Broadcasters (KDOL), Mojave, California, Has: (C.P.) 1340 kc, 100 w, U, Requests: 1340 kc, 250 w, 1 kw–LS, U, Docket No. 13280, File No. BMP–8561; Western States Radio (KIST), Santa Barbara, California, Has: 1340 kc, 250 w, U, Requests: 1340 kc, 250 w, 1 kw–LS, U, Docket No. 13281, File No. BP–12664; Katy, Sweetheart of San Luis Obispo, Inc. (KATY), San Luis Obispo, California, Has: 1340 kc, 250 w, U, Requests: 1340 kc, 250 w–N, 1 kw–D, Docket No. 13282, File No. BP–12760; Komy, Inc. (KOMY), Watsonville, California, Has: 1340 kc, 250 w, U, Requests: 1340 kc, 250 w, 1 kw–LS, U, Docket No. 13283, File No. BP–12853; McMahan Broadcasting Co. (KMAK), Fresno, California, Has: 1340 kc, 250 w, U, Requests: 1340 kc, 250 w, 1 kw–LS, U, Docket No. 13284, File No. BP–12979; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of November 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that, by Order (FCC 58–1041), adopted November 5, 1958 and released November 12, 1958, the Commission designated for hearing the above-captioned application of James E. Walley; and

It further appearing that by Order (FCC 59–276) adopted April 1, 1959 and released April 6, 1959 and by corrective order inserting issues inadvertently omitted from the April 1, 1959 order adopted April 22, 1959 and released April 24, 1959, the Commission consolidated for hearing with the James E. Walley application the above-captioned applications of Robert L. Stoddard, tr/as Sierra Broadcasting Company; Finley Broadcasting Company; and Gene V. Mitchell and Robert T. McVay, d/b as Sanval Broadcasters; that the applications of Leslie G. Foote, tr/as Mojave Broadcasters; Western States Radio; KATY, Sweetheart of San Luis Obispo, Inc.; KOMY, Inc.; and McMahon Broadcasting Co. were tendered for filing on May 13, 1959, December 12, 1958, January 8, 1959, February 19, 1959, and April 6, 1959, respectively; that these latter five applications were timely filed as to each other; that the applications of Western States Radio; KATY, Sweetheart of San Luis Obispo, Inc.; and KOMY, Inc., were timely filed as to the applications consolidated for hearing on April 1, 1959; and that, therefore, these latter three applications plus the applications of Leslie G. Foote, tr/as Mojave Broadcasters and McMahon Broadcasting Co. are entitled to be consolidated in the above-referenced hearing, pursuant to the version of § 1.106 of the Commission rules in effect prior to May 16, 1959; and

It further appearing that, except as indicated by the issues specified in the previous Orders of November 5, 1958 and April 1, 1959, as amended, and those specified below, the instant applicants are legally, technically, financially and otherwise qualified to construct and operate their instant proposals; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated August 27, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that KDOL, KIST, KATY, KOMY, and KMAK filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that, in response to the Commission letter of August 27, 1959, BP–12664 (KIST) requested a waiver of §§ 3.28(c) (3) (10 percent rule) and 3.188(d) ("roof-top antenna" Rule) of the Commission Rules; and BP–12760 (KATY) requested a waiver of § 3.28(c) (3) thereof, but it cannot presently be determined whether circumstances exist which would warrant a waiver thereof; and

It further appearing that, counsel for BP–11655, in a letter filed September 2, 1959, alleged that pursuant to § 1.106 of the rules, BP–12853 was not timely filed as to his client; that BP–12853 is not entitled to consolidation with BP–11655; and that the consolidation order which would involve both applicants should make it clear that vis-a-vis BP–12853, BP–11655 has the status of an existing station; and that, in a letter filed September 10, 1959, counsel for BP–12853 expressed its opposition to the position taken by BP–11655 and contended that it was in error, alleging that the rule applicable to BP–12853 was § 1.106(b) (1) (i), the rule in effect prior to the Commission amendment thereof which became effective May 16, 1959; that the proper procedure thereunder was that if an application was timely filed as to one application in a proceeding it was timely filed as to all applications in that proceeding; and that, therefore, BP–11655 was not entitled to be accorded the status of an existing station with respect to BP–12853; and

It further appearing that, counsel for BP–12853 has correctly stated the rule and practice applicable to said application,[1] and that, in view of the foregoing, BP–11655 is not entitled to be accorded the status of an existing station as to BP–12853; and

It further appearing that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing on the issues specified below and in the orders of November 5, 1958 and April 1, 1959, as amended;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications of KDOL, KIST, KATY, KOMY, and KMAK are consolidated for hearing in the proceeding in Docket Nos. 12651, 12819, 12820, and 12821, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from James E. Walley and Sanval Broadcasters, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations KATO, KSRO, KATY, KDOL, KIST, KMAK and KOMY and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby and the availability of other primary service to such areas and populations involved in the areas of interference between the proposals.

4. To determine whether the following proposals would involve objectionable interference with the existing stations indicated below, or any other existing standard broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

Proposals	*Existing Stations*
BMP–8561	KFAC, Los Angeles, Calif.
	KIST, Santa Barbara, Calif.
BP–11655	KATO, Reno, Nev.
D–12651	KCRA, Sacramento, Calif.
BP–12313	KEEN, San Jose, Calif.
D–12820	KFIV, Modesto, Calif.
	KOMY, Watsonville, Calif.
BP–12381	KATO, Reno, Nev.
D–12821	KCRA, Sacramento, Calif.
BP–12664	KATY, San Luis Obispo, Calif.
	KFAC, Los Angeles, Calif.
	BP–11103, D–12587 (KGB), San Diego, Calif.
BP–12760	KIST, Santa Barbara, Calif.
	KMAK, Fresno, Calif.
	KOMY, Watsonville, Calif.
BP–12853	KATY, San Luis Obispo, Calif.
	KMAK, Fresno, Calif.
	BP–11874, D–12690, Los Banos, Calif.
BP–12979	KATY, San Luis Obispo, Calif.
	KOMY, Watsonville, Calif.
	BP–11874, D–12690, Los Banos, Calif.

5. To determine whether the interference received from any of the other proposals herein, except BMP–8561, and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c) (3) of the Commission rules and, if so, whether

[1] See Commission letter of October 17, 1956 to Knorr Broadcasting Corporation, File No. BP–10604, Docket No. 11848.

circumstances exist which would warrant a waiver of said Section.

6. To determine whether, with respect to BP–12979, the proposed Program Operation, Section IV of the application form, has been completed in accordance with Commission rules.

7. To determine whether the application of James E. Walley was filed in good faith or whether said application was filed for the purpose of hindering and obstructing a grant of the application (File No. BR–1926) for a renewal of the license of Station KMOR or the assignment of said license.

8. To determine whether the transmitter sites proposed by BP–12664 and BP–12979 are reasonably free of deleterious electrical effects with nearby structures.

9. To determine whether the proposed roof-top antenna system of BP–12664 is in compliance with § 3.188(d) of the Commission rules concerning operation with a roof-top antenna with a power in excess of 500 watts, and, if not, whether circumstances exist which would warrant a waiver thereof.

10. To determine the exact geographical coordinates of the transmitter of KIST (BP–12664).

11. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

12. To determine, on a comparative basis, in the event that, pursuant to the foregoing issue, Oroville, California, is considered to have the greater need for a new facility, which of the two proposals of James E. Walley and Sanval Broadcasters would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the two applications as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

b. The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the instant applications.

13. To determine, in the light of the evidence adduced, pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Los Angeles Broadcasting Co., licensee of KFAC, Los Angeles, California; KGB, Inc., applicant in BP–11103, D–12587, San Diego, California and Los Banos Broadcasting Company, applicant in BP–11874, D–12690, Los Banos, California are made parties to the proceeding and KATY, Sweetheart of San Luis Obispo, Inc.; Western States Radio; McMahon Broadcasting Co.; and KOMY, Inc., are made parties respondent with respect to their existing stations.

It is further ordered, That this order shall supersede, with respect to the issues only, the Commission's order of November 5, 1958, designating for hearing the first above-captioned application.

It is further ordered, That the request of BP–11655, D–12651, to be accorded the status of an existing station with respect to the application of BP–12853 (KOMY) is herein denied.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, parties and parties respondent, herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–10313; Filed, Dec. 4, 1959; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E–6913]

IOWA PUBLIC SERVICE CO.

Notice of Application

NOVEMBER 30, 1959.

Take notice that on November 20, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Iowa Public Service Company ("Applicant"), a corporation organized under the laws of the State of Iowa and doing business in the States of Iowa, South Dakota and Nebraska with its principal business office at Sioux City, Iowa, seeking an order authorizing the issuance of 149,867 shares of its $5 par value Common Stock. Applicant proposes to issue said stock to the holders of its Common Stock as a stock dividend, and in connection therewith to transfer from "Earnings retained for use in the business" an amount equal to said 149,687 shares taken at $18 per share, being the fair value of said shares and the approximate market value thereof at the date of the declaration for said dividend; viz., an aggregate of $2,697,606, and of such amount to credit an amount equal to the par value of such 149,867 shares of Common Stock to common capital stock and to credit the balance thereof to premium on common capital stock or "Amounts paid in, in excess of par value of common stock." Said additional shares of Common Stock will be issued to the holders of the outstanding Common Stock of Applicant at the rate of one share for each twenty shares held on the record date. No fractional shares or scrip will be issued. Holders of fractional-share interests will be given the right for a specified period to purchase the additional fractions required to make up full shares or to sell the fractions to which they are entitled through an agency to be established to buy and sell such fractions for the account and risk of the holders thereof pursuant to their instructions. At the end of the period, the full shares represented by any fractional interests as to which no instructions have been received will be sold and the proceeds remitted to the holders entitled thereof. Applicant states it believes that it is in the best interests of it, its customers and its stockholders that such part of the "Earnings retained for use in the business" be thus (as set forth above) permanently employed in the business.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 23d day of December 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSPEH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–10276; Filed, Dec. 4, 1959; 8:47 a.m.]

[Docket No. G–20211]

SOCONY MOBIL OIL CO., INC., ET AL.

Order for Hearing, Suspending Proposed Change in Rates, and Allowing Rate Change To Become Effective Upon Filing of Motion and Undertaking To Assure Refund of Excess Charges

NOVEMBER 27, 1959.

Socony-Mobil Oil Company, Inc., on October 30, 1959, tendered for filing a proposed change to its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increase in rate and charge, is contained in the following designated filing:

Description: Notice of Change, Dated October 29, 1959.
Purchaser and producing area: Tennessee Gas Transmission Company (Cheaterville Fld., Colorado Co., Texas).
Rate schedule designation: Supplement No. 20 to Socony-Mobil Oil Company, Inc.'s FPC Gas Rate Schedule No. 49.
Effective date: November 30, 1959.[1]
Rate in effect: 13.49751 cents per Mcf.
Proposed increased rate: 16.16947 cents per Mcf.

[1] The stated effective date is that requested by Respondent.

Socony-Mobil, in support of its favored-nation increase, submits copies of a notification letter from the purchaser and states that the contract provisions were in fact negotiated for in good faith. In this filing Socony is submitting proposed increases in behalf of two nonoperating coowners, San Jacinto Oil and Gas Company and W. H. Hodnett & Company, Inc., who were entitled under the contract of sale to the increase presently proposed but were nonparties to Socony-Mobil's price redetermination agreement executed December 1, 1958, and now in effect subject to refund in Docket No. G–17333.

The proposed change tendered by Respondent has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 20 to Socony's FPC Gas Rate Schedule No. 49 be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rates be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 20 to Socony's FPC Gas Rate Schedule No. 49.

(B) Pending hearing and decision thereon, Supplement No. 20 to Socony's FPC Gas Rate Schedule No. 49 is hereby suspended and the use thereof deferred until December 1, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the aforementioned supplement to Respondent's FPC Gas Rate Schedule shall be effective as specified in Paragraph (B) above: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Socony shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of 6 percent per annum from the date of payment to Socony-Mobil until refunded, shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Socony so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order becomes effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Socony Mobil Oil Company, Inc., To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket No. G–20211 hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____

SOCONY MOBIL OIL COMPANY, INC.

By _____

Attest:

_____

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, his agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent in conformity with the terms and conditions of paragraph (D) of this order, makes such refunds as may be required by order of the Commission, his undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–10277; Filed, Dec. 4, 1959; 8:47 a.m.]

[Docket No. E–6912]

MISSISSIPPI VALLEY PUBLIC SERVICE CO. ET AL.

Notice of Application

NOVEMBER 30, 1959.

In the matters of Mississippi Valley Public Service Company, Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin); Docket No. E–6912.

Take notice that on November 19, 1959, an application was filed with the Federal Power Commission pursuant to sections 203 and 204 of the Federal Power Act by Northern States Power Corporation of Minnesota ("NSP-Minn") its subsidiary, Northern States Power Company of Wisconsin ("NSP-Wis") and Mississippi Valley Public Service Company ("Valley"), seeking an order authorizing (A) Valley to sell and NSP-Wis to acquire the Wisconsin properties and assets of Valley and (B) Valley to sell and NSP-Minn to acquire the remaining properties and assets of Valley and NSP-Minn to issue 189,668 shares of its Common Stock.

Transaction (A). Valley would sell to NSP-Wis all of its properties and assets located in or applicable to its properties or pertaining to its business in Wisconsin in consideration of NSP-Wis paying to Valley the sum of $2,900,000 plus gross additions and betterments and less net salvage to Valley's utility plant in Wisconsin made subsequent to December 31, 1958 and plus Valley's book cost at Time of Closing of its other physical property, current assets and other property located in or applicable to Valley's property or pertaining to Valley's business in Wisconsin and assuming all Valley's liabilities and the performance of all Valley's contracts, easements and other obligations existing at the Time of Closing and as are applicable to Valley's properties or pertaining to Valley's business in Wisconsin, all as provided in and subject to the terms and conditions of the Agreement of Sale and Supplemental Agreement No. 1 thereto, both dated November 3, 1959, between Valley and NSP-Wis.

Transaction (B). Valley would sell to NSP-Minn all of its remaining properties and assets (except $50,000 cash to be retained for liquidation expenses) in consideration of NSP-Minn (1) issuing and delivering to Valley 189,668 shares of

Common Stock of NSP-Minn; (2) paying to the holder of the $3,340,000 principal amount of Valley's First Mortgage Bonds, 3⅛% Series due 1980, the difference between $3,235,458 and the amount Valley will have received from NSP-Wis pursuant to Transaction A (above), or if said Bonds have been paid and retired prior to Time of Closing out of bank loans incurred for that purpose, applying an amount equal to such difference to the payment of such bank loans; (3) prepaying all Valley's bank loans outstanding at Time of Closing in an amount not in excess of $2,075,000 of which not to exceed $1,575,000 may have been borrowed to provide funds for the redemption of Valley's $1,500,000 par value of Preferred Stock and not in excess of $500,000 for other corporate purposes; and (4) assuming all Valley's liabilities and performance of all Valley's contracts, easements and other obligations existing at the Time of Closing and as are applicable to Valley's properties or pertaining to Valley's business in Minnesota, or elsewhere, except in Wisconsin, all as provided in and subject to the terms and conditions of the Agreement of Sale and Supplemental Agreement No. 1 thereto, both dated November 3, 1959, between Valley and NSP-Minn.

According to the application the aforesaid 139,668 shares of $5 par value Common Stock of NSP-Minn would be issued and delivered not earlier than January 29, 1960 and not later than March 30, 1960.

Valley is incorporated in the State of Wisconsin with its principal business office in Winona, Wisconsin. It owns and operates utility property and furnishes electric service in four counties in Wisconsin and two counties in Minnesota. NSP-Minn is incorporated in the State of Minnesota with its principal business office at Minneapolis, Minnesota. It furnishes electric service in Minnesota, North Dakota and South Dakota as well as varied utility service in said States. NSP-Wis (all of the stock of which is owned by NSP-Minn) is incorporated in the State of Wisconsin with its principal business office in Eau Claire, Wisconsin. It furnishes electric and other utility services in the States of Wisconsin and Minnesota. Valley proposes to dispose of all its electric facilities. There would be no change in the use of such facilities after their acquisition by NSP-Wis and NSP-Minn.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 23d day of December 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10278; Filed, Dec. 4, 1959; 8:47 a.m.]

[Docket No. G-20204 etc.]

UNION PRODUCING CO. ET AL.

Order Providing for Hearing and Suspending Proposed Changes in Rates [1]

NOVEMBER 27, 1959.

In the matters of Union Producing Co., Docket No. G-20204; Walter Kuhn (Operator), et al., Docket No. G-20205; Logue & Patterson (Operator), et al., Docket No. G-20206; Paul J. Fly (Operator), et al., Docket No. G-20207; D. W. Skinner (Operator), et al., Docket No. G-20208; Republic Natural Gas Co., et al., Docket No. G-20209; Gulf Oil Corporation, Docket No. G-20210; Mendota Oil Company, Docket No. G-20212; American Petrofina Co. of Texas, Docket No. G-20213; Humble Oil & Refining Co., Docket No. G-20214; Carter-Jones Drilling Co., Inc. (Operator), et al., Docket No. G-20215; Prince Marine Drilling & Exploration Co. (Operator), et al., Docket No. G-20216; W. J. Goldston, Independent Executor of the Estate of Walter Leon (W. L.) Goldston, Deceased, et al., Docket No. G-20217.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended [2]	Rate suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate
G-20204	Union Producing Co.	234	1	United Gas Pipe Line Co. (Gibson Field, Terrebonne Parish, La.).	11- 2-59	11- 4-59	12- 5-59	5- 5-60	10.497	23.3
G-20204	do	[3] 234			[11] 10-30-59	11- 4-59	12- 5-59	5- 5-60	10.497	23.3
G-20205	Walter Kuhn (Operator), et al.	40	1	Cities Service Gas Co. (Barber County, Kans.).	Not dated	11- 4-59	12-23-59	5-23-60	12.0	13.0
G-20206	Logue & Patterson (Operator), et al.	2	1	Tennessee Gas Transmission Co. (W. Taft Field, San Patricio County, Tex.).	10-27-59	10-28-59	11-28-59	4-28-60	12.12268	15.0952
G-20207	Paul J. Fly (Operator) et al.	1	4	Trunkline Gas Co. (Terrell Point and W. Terrell Point Field, Goliad Counties, Tex.).	10-20-59	11- 6-59	12- 7-59	5- 7-60	9.0864	15.144
G-20207	do	2	4	Trunkline Gas Co. (W. Terrell Point Field, Goliad County, Tex.).	10-26-59	11- 6-59	12- 7-59	5- 7-60	9.0864	15.144
G-20208	D. W. Skinner (Operator), et al.	1	1	Cities Service Gas Co. (Boggs Field, Barber County, Kans.).	Not dated	11- 9-59	12-23-59	5-23-60	12.0	13.0
G-20209	Republic Natural Gas Co., et al.	14	2	Lone Star Gas Co. (Katie Field, Garvin County, Okla.).	11- 4-59	11- 9-59	[4] 12-10-59	5-10-60	[5] 11.0	16.8
G-20210	Gulf Oil Corp.	95	2	Kansas Nebraska Natural Gas Co., Inc. (Texas and Beaver Companies, Okla.).	10-28-59	10-30-59	11-30-59	4-30-60	[7] 16.2	16.6
G-20212	Mendota Oil Co.	8	8	El Paso Natural Gas Co. (Jack Herbert Field, Upton County, Tex.).	Not dated.	10-30-59	12- 1-59	5- 1-60	10.6003	13.47616
G-20213	American Petrofina Co. of Texas.	6	3	Tennessee Gas Transmission Co. (Agua Dulce Field, Nueces County, Tex.).	do	10-30-59	11-30-59	4-30-60	12.12268	17.24347
20214	Humble Oil & Refining Co.	120	6	Gas Gathering Corp. (Bayou des Glaise Field, Iberville Parish, La.).	10-27-59	10-30-59	11-30-59	[8] 4-26-60	14.5	20.55
20215	Carter-Jones Drilling Co., Inc. (Operator), et al.	3	2	Texas Eastern Transmission Corp. (Tatum Field, Panola and Rusk Counties, Tex.).	10-27-59	11- 2-59	12- 3-59	5- 3-60	14.2	14.6
G-20215	do	11	3	Texas Eastern Transmission Corp. (Woodlawn Field, Harrison County, Tex.).	10-26-59	11- 2-59	12- 3-59	5- 3-60	14.4	14.6
G-20215	do	9	3	Texas Eastern Transmission Corp. (Logansport Field, De Soto Parish, La.).	10-30-59	11- 2-59	12- 3-59	5- 3-59	15.3905	15.8007
G-20216	Prince Marine Drilling & Exploration Co. (Operator), et al.	1	13	Texas Eastern Transmission Corp. (Englehart Field, Colorado County, Tex.).	10-28-59	11- 2-59	12- 3-59	5- 3-60	[10] 14.6	14.8
G-20217	W. J. Goldston, independent executor of the estate of Walter Leon (W. L.) Goldston, deceased, et al.	1	1	El Paso Natural Gas Co. (Denton Field, Lea County, N. Mex.).	Not dated.	11- 2-59	12- 3-59	5- 3-60	10.0	13.9836

[2] The stated effective dates are those requested by Respondents, or the first day after expiration of statutory notice, whichever is later.
[3] Supersedes Union Producing Company's FPC Gas Rate Schedule No. 75, as amended.
[4] Or from date such rate is triggered under the favored-nation clause.
[5] Rate in effect subject to refund in Docket No. G-13730.
[7] Rate in effect subject to refund in Docket No. G-13841.
[8] Or if suspended, the same date buyer's rate to Transco becomes effective, whichever date is later.
[10] Rate in effect subject to refund in Docket No. G-17065.
[11] Contract.

Union Producing Company, in support of its proposed increases, states that the rate sought will tend to offset increased expenses of operation and stimulate further exploration.

Walter Kuhn, D. W. Skinner, and Logue & Patterson cite price redetermination provisions in their respective contracts and submit copies of redetermination letters from the purchaser. Logue & Patterson state in addition that the proposed rate is based upon the three highest area prices.

Paul J. Fly and Republic Natural Gas Company cite favored-nations increase provisions contained in their contracts. Additionally, Fly submits a notification letter from the purchaser and states that the increase would effect a rate still below area prices and that such increase is necessary to maintain marginal wells. Republic cites an order of the Commission obligating Lone Star, its purchaser, to pay the rate presently proposed for gas delivered in other counties. Applicant recites that the triggering provision resulted from arm's-length bargaining and asks a one-day suspension only but has not submitted substantitive proof for the requested triggering date of December 22, 1959.

Gulf Oil, in support of its proposed increased rate, states that the contract was bargained for at arm's-length and that the price sought does not exceed the prevalent area rate.

Mendota Oil Company, in support of its proposed increases, cites favored-nation contract provisions and submits copies of the purchaser's notification letter. Additionally, Respondent states that the agreement was negotiated for at arm's-length and alleges that the increased rate is just and reasonable.

American Petrofina bases its proposed increase on a price redetermination clause contained in its contract with Tennessee Gas Transmission Company. Petrofina submits copies of a redetermination letter from Tennessee citing the three highest prices paid by area purchasers. Petrofina also states that its contract resulted from good faith arm's-length negotiations, that the increased rate would not exceed current area prices, and that it is necessary to compensate for increased costs and to provide an adequate return on investment.

Humble Oil proposes an increase in its price to Gas Gathering Corporation, based upon Gas Gathering's renegotiated resale rate now under suspension to Transcontinental Gas Pipe Line Corporation. Humble cites this increase and submits copies of the renegotiation agreement. In addition, Humble points to higher area rates for initial services and states that the proposed price would be in line with current area prices.

Carter-Jones Drilling Company, in support of its proposed periodic increase cites provisions of the contract and states that the contracts resulted from good faith arm's-length bargaining, that the price sought is just and reasonable, is in line with other area prices, and is necessary to offset increasing costs.

W. J. Goldston proposes a favored-nation increase, citing in support thereof applicable contract provisions and referring to the triggering rate of Humble Oil, which is in effect subject to refund in Docket No. G–16416. In addition, Goldston states that the proposed price is just and reasonable, is in line with other area prices, was entered into at arm's-length, and is needed to offset increasing costs of operation.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated rate schedule and supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated rate schedule and supplements.

(B) Pending hearing and decision thereon, each of the aforementioned supplements and the rate schedule is suspended and the use thereof deferred until the date specified in the above-designated "Rate Suspended Until" column and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sougth to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–10279; Filed, Dec. 4, 1959; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

FARMERS AND MECHANICS TRUST CO.

Notice of Tentative Decision on Application by a Bank Holding Company for Prior Approval of Acquisition of Voting Shares of a Bank

Notice is hereby given that, pursuant to section 3(a) of the Bank Holding Company Act of 1956, Farmers and Mechanics Trust Company, Childress, Texas, has applied for the Board's prior approval of action whereby said bank holding company would acquire 5 per cent (150 shares) of the voting shares of The First National Bank, Paducah, Texas. Information relied upon by the Board in making its tentative decision is summarized in the Board's Tentative Statement of this date, which is attached hereto and made a part hereof and which is available for inspection at the Federal Register Division and at the Office of the Board's Secretary and at all Federal Reserve Banks.

The record in this proceeding to date consists of the application, the Board's letter to the Comptroller of the Currency inviting his views and recommendations on the application, the reply of the Comptroller, this Notice of Tentative Decision, and the facts set forth in the Board's Tentative Statement.

For the reasons set forth in the Tentative Statement, the Board proposes to grant the application.

Notice is further given that any interested party may, not later than fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, file with the Board in writing any comments upon or objections to the Board's proposed action. Any such comments or objections should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Following expiration of the said 15-day period, the Board's Tentative Decision will be made final by order to that effect, unless for good cause shown other action is deemed appropriate by the Board.

Dated at Washington, D.C., this 30th day of November 1959.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59–10280; Filed, Dec. 4, 1959; 8:47 a.m.]

WISCONSIN BANKSHARES CORP.

Notice of Tentative Decision on Application by Bank Holding Company for Prior Approval of Acquisition of Voting Shares of a Bank

Notice is hereby given that, pursuant to section 3(a) of the Bank Holding Company Act of 1956, Wisconsin Bankshares Corporation, a bank holding company located in Milwaukee, Wisconsin, has applied for the Board's prior approval of the acquisition of 2,950 of the 3,000 voting shares of a proposed new bank, Mayfair National Bank of Wauwatosa, Wisconsin. Information relied upon by the Board in making its tentative decision is summarized in the Board's Tentative Statement of this date, which is attached hereto and made a part hereof and which is available for inspection at the Federal Register Division, at the office of the Board's Secretary, and at all Federal Reserve Banks.

The record in this proceeding to date consists of the application, the Board's letter to the Comptroller of the Currency inviting his views and recommendations on the application, the Comptroller's reply, this Notice of Tentative Decision,

and the facts set forth in the Board's Tentative Statement.

For the reasons set forth in the Tentative Statement, the Board proposes to grant the application.

Notice is further given that any interested party may, not later than fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, file with the Board in writing any comments upon or objections to the Board's proposed action. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Following expiration of the said 15-day period, the Board's Tentative Decision will be made final by order to that effect, unless for good cause shown other action is deemed appropriate by the Board.

Dated at Washington, D.C., this 30th day of November 1959.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 59-10281; Filed, Dec. 4, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 2, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35866: *Iron or steel scrap—Ohio and Pennsylvania to Calvert, Ky.* Filed by O. E. Schultz, Agent for interested rail carriers. Rates on iron or steel scrap (not copper clad), viz: scraps or pieces of iron or steel having value for remelting purposes only, grindings, iron or steel (refuse material from grinding operations, not further processed), in carloads, from Lowellville, Ohio, Sharon and Farrel, Pa., to Calvert, Ky.

Grounds for relief: Rail-barge competition.

Tariff: Supplement 135 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4664 (Hinsch series).

FSA No. 35867: *Bituminous coal—NYC Clearfield district points to Wallingford, Conn.* Filed by The New York Central Railroad Company (No. 4), for itself and The New York Central Railroad Company in the Clearfield district to Wallingford, Conn.

Grounds for relief: Rail carrier competition.

Tariff: Supplement 81 to The New York Central Railroad Company's tariff I.C.C. 1544.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-10293; Filed, Dec. 4, 1959; 8:48 a.m.]

[Notice 232]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 2, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62340. By order of November 30, 1959, the Transfer Board approved the transfer to Edward R. Walsh, doing business as Wood Brothers, Portsmouth, New Hampshire, of Certificate in No. MC 13164, issued September 22, 1941, to Cedric L. Wood, doing business as Wood Brothers, Portsmouth, N.H., authorizing the transportation of *Household goods, groceries* and *grocery store supplies, bakery supplies, vegetables* and *fresh fruit,* in a specified territory in Maine, New Hampshire, and Massachusetts. Andre J. Barbeun, 795 Elm Street, Manchester, N.H., for applicants.

No. MC-FC 62607. By order of November 30, 1959, the Transfer Board approved the transfer to Material Trucking, Inc., New Castle, Del., of Certificate in No. MC 76472, issued October 4, 1954, to Elmer E. Miller, Inc., Gradyville, Pa., authorizing the transportation of: *Sand,* and *stone,* in bulk, in dump trucks, and *Such bulk commodities,* as are transported in dump trucks, between specified points in Delaware, Maryland, New Jersey, and Pennsylvania. G. Donald Bullock, 10-c 211 East 51st Street, New York 22, N.Y., for applicants.

No. MC-FC 62649. By order of November 27, 1959, the Transfer Board approved the transfer to E. L. Reddish, Springdale, Arkansas, of a Permit in No. MC 116057 Sub 1 issued August 6, 1957 to Louis Weldon Crites, Warsaw, Missouri, authorizing the transportation of poultry feed ingredients, in bulk, over irregular routes, from Marshall, Mo., to Springdale, Ark., serving no intermediate points. Herman W. Huber, 101 East High Street, Jefferson City, Mo.

No. MC-FC 62729. By order of November 30, 1959, the Transfer Board approved the transfer to Bill W. Smith, doing business as Smith Transfer, Oakdale, Calif., of Certificate No. MC 71793 issued September 24, 1957, in the name of Ernest Gilman Fairbank, doing business as Manteca Transfer, Manteca, Calif., authorizing the transportation of canned goods, over irregular routes, from Manteca, Calif., to Oakland, San Francisco, and Stockton, Calif. John M. Burnett, P.O. Box 882, Manteca, Calif., for applicants.

No. MC-FC 62731. By order of November 30, 1959, the Transfer Board approved the transfer to David L. Ditto, doing business as Ditto Freight Lines, San Jose, California, of the operating rights in Certificate No. MC 46479, issued by the Commission, April 29, 1958, to Ralph Ross and Norman Ross, a Partnership doing business as Ross Trucking, Gilroy, California, authorizing the transportation, over regular routes, of canned fish, from Moss Landing, Calif., to San Francisco, Calif., and from Moss Landing to Alameda, Calif., and, canning machinery, fish nets, fibre cartons, and caustic soda, from San Francisco, Calif., to Moss Landing, Calif., and from Alameda, Calif., to Moss Landing, Calif., and lumber, laths, and shingles, from Monterey, Calif., to Santa Maria, Calif., and, over irregular routes, of canned fish, from Monterey, Calif., to San Francisco, Oakland, Alameda, and San Jose, Calif., and canning machinery, fish nets, fibre cartons, caustic soda, and processed feed, for chickens and race horses, from Oakland, and San Francisco, Calif., to Monterey, Calif. Marvin Handler, 625 Market Street, San Francisco 5, Calif.

No. MC-FC 62732. By order of November 30, 1959, the Transfer Board approved the transfer to Tracy Trucking Co., a Corporation, Akron, Ohio, of Certificate No. MC 111339 issued June 9, 1959, in the name of Rubber City Cartage Co., a Corporation, Akron, Ohio, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Akron, Ohio, on the one hand, and, on the other, points in Summit County, Ohio. J. Fred Smith, 2610 First National Building, Akron, Ohio, for applicants.

No. MC-FM 62739. By order of November 30, 1959, the Transfer Board approved the transfer to Samuel Handverger, doing business as S. Handverger Co., Saugus, Mass., of a Permit in No. MC 103316, issued April 3, 1956, to John Gorvers Company, Inc., Lynn, Massachusetts, authorizing the transportation, over irregular routes, of glue stock, from Manchester, and Nashua, N.H., to North Woburn, and Winchester, Mass. John J. Leonard, 7 Willow Street, Lynn, Mass.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-10294; Filed, Dec. 4, 1959; 8:48 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

ASSISTANT DIRECTOR FOR PLANS AND OPERATIONS ET AL.

Delegation of Authority With Respect to Determinations Concerning Federal Surplus Property

Pursuant to the authority vested in me by section 203(j), Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)), as amended; and the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) as amended; the following described officers of the Office of Civil and Defense Mobilization

are hereby delegated the following described authority, respectively:

1. Assistant Director for Plans and Operations:

a. The authority to determine whether surplus property is usable and necessary for civil defense including the authority to revise, from time to time, the representative lists of categories of such property (presently contained in OCDM Advisory Bulletin No. 202, as revised), and to issue the same under the imprinted signature of the Director, OCDM.

b. The authority to give written authorization to donees, on an individual case basis, for the disposal of surplus property, donated for civil defense purposes and having a single item acquisition cost of Two Thousand Five Hundred Dollars ($2,500) or more, in advance of the time limitations set forth in Regulation 1702.7(a) of Federal Civil Defense Administration (now Office of Civil and Defense Mobilization) Regulations, Part 1702, or its successor, and to prescribe the terms and conditions of each such disposal.

2. Director, Surplus Property Division: The authority to give written authorization to donees, on an individual case basis, for the disposal of surplus property, donated for civil defense purposes and having a single item acquisition cost of Two Thousand Five Hundred Dollars ($2,500) or more, but less than Fifty Thousand Dollars ($50,000), in advance of the time limitations set forth in § 1702.7(e) of Federal Civil Defense Administration (now Office of Civil and Defense Mobilization) Regulations, Part 1702, and to prescribe the terms and conditions of each such disposal.

3. Regional Directors: The authority to determine, as to their respective Regions on an individual case basis, property which does not so appear in the representative lists of categories of property referred to in subparagraph 1.a of this Delegation of Authority, to be usable and necessary for civil defense purposes.

The authority delegated to the Director, Surplus Property Division, in paragraph 2 hereof, will exist concurrently in the Assistant Director for Plans and Operations.

None of the authority delegated herein shall be redelegated.

All of the authority delegated herein shall be exercised in accordance with applicable OCDM regulations and other applicable OCDM administrative issuances governing the Surplus Property Program.

The "Delegation of Authority with Respect to Determinations Concerning Federal Surplus Property" published in the FEDERAL REGISTER January 28, 1959 (24 F.R. 618), and the redelegation pursuant thereto published in the FEDERAL REGISTER March 12, 1959 (24 F.R. 1818), are hereby rescinded.

This delegation of authority is effective upon publication in the FEDERAL REGISTER.

Dated: November 25, 1959.

LEO A. HOEGH,
Director, Office of Civil and Defense Mobilization.

[F.R. Doc. 59-10267; Filed, Dec. 4, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2044]

BRUNSWICK-BALKE-COLLENDER CO.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

DECEMBER 1, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Brunswick-Balke-Collender Company, common stock; File No. 7-2044.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before December 16, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-10288; Filed, Dec. 4, 1959; 8:48 a.m.]

[File No. 7-2043]

LEAR, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

DECEMBER 1, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Lear, Incorporated, common stock; File No. 7-2043.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the American Stock Exchange and Pacific Coast Stock Exchange.

Upon receipt of a request, on or before December 16, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-10289; Filed, Dec. 4, 1959; 8:48 a.m.]

[File No. 70-3826]

LYNN GAS AND ELECTRIC CO. ET AL.

Notice of Proposed Intra-System Sale and Acquisition of Properties, Issuance, Sale and Acquisition of Securities, Assumption of Liabilities and Capital Contribution

NOVEMBER 30, 1959.

In the matter of Lynn Gas and Electric Company, Lynn Gas Company, New England Electric System; File No. 70-3826.

New England Electric System ("NEES"), a registered holding company, and two of its subsidiaries, Lynn Gas and Electric Company ("Lynn") and Lynn Gas Company ("Lynn Gas"), have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and have designated sections 6(a)(2), 6(b), 7, 9(a)(1), 10, 12(b), 12(c), 12(d), and 12(f) of the Act and rules 42(b)(2), 43, 44, 44(b)(2), 45, and 50(a)(2) thereunder and Instruction 8(C) of the Uniform System of Accounts for Public Utility Holding Companies as applicable to the proposed transactions, which are summarized as follows:

Lynn, a combination gas and electric utility company, proposes to transfer its gas properties and related business to Lynn Gas, a newly organized associate company in the NEES system. Lynn Gas will assume and take over all the duties and liabilities of Lynn related to the gas business. Lynn will retain its electric properties and related business, and will change its name to Lynn Electric Company ("Lynn Electric").

The stated purpose of the proposed transfer is to facilitate mergers of operations within the NEES system so as to obtain economies, efficiencies and corporate simplification.

Lynn has outstanding 409,500 shares of common stock, par value $10 per share, of which 383,955 shares (93.76 percent) are held by NEES and the balance of 25,545 shares are held by the public. Under the proposed exchanges summarized below, NEES will receive 115,186½ shares of Lynn Gas and 268,768½ shares of Lynn Electric and the public holders

will receive 7,633½ shares of Lynn Gas and 17,881½ shares of Lynn Electric.

The proposed exchanges involve (1) the issuance by Lynn Gas of 122,850 shares of its capital stock, $10 par value per share, to the stockholders of Lynn on the basis of three-tenths (3/10ths) of a share for each share held of Lynn stock; (2) the reduction of the capital stock of Lynn from 409,500 shares, $10 par value per share, to 286,650 shares, $10 par value per share; and (3) the issuance of new certificates, representing shares of Lynn Electric to stockholders of Lynn on the basis of seven-tenths (7/10ths) of a share of Lynn Electric for each share of Lynn stock. The foregoing issuances by Lynn Gas and by Lynn are to be made to stockholders of record on the consummation date.

To avoid fractional shares, Lynn Gas and Lynn Electric will issue to stockholders, in lieu thereof, fractional scrip certificates which will remain valid for one year after the consummation date, and full shares will be issued upon combination of the respective fractional scrip certificates. During the life of the scrip certificates NEES proposes to purchase such certificates as are offered to it, on the basis of $45 per full share of Lynn Gas and $30 per full share of Lynn Electric. The scrip thus purchased by NEES will be made available at the same prices to other holders of fractional scrip to the extent necessary to permit such holders to obtain a whole share; any remaining scrip thus purchased by NEES will be exchanged for full shares. The number of full shares represented by fractional scrip to be issued in connection with the proposed exchanges is estimated at 82 for Lynn Gas and 87 for Lynn Electric and involve approximate amounts of $3,690 and $2,610, respectively.

Following the expiration of the fractional scrip Lynn Gas and Lynn Electric will mail a check, to each registered holder of the scrip then outstanding, at the rate of $45 and $30, respectively, for each full share of Lynn Gas and Lynn Electric stock represented by such scrip. Each company will reduce its authorized capital stock in an amount equal to the expired scrip.

As an integral part of the program, Lynn proposes (1) to prepay its outstanding 7½-year installment note presently outstanding in the face amount of $114,000 and (2) to redeem its outstanding $3,763,000 face amount of 3⅛ percent notes due 1971, held by institutional investors, and to issue and sell to NEES an equal face amount of notes bearing the same interest rate and having the same maturity date as the notes being redeemed. The redemption of the installment note and the 3⅛ percent notes is estimated to involve net premium costs (after taxes) of $270 and $41,533, respectively. NEES proposes to make a capital contribution of $41,533 to Lynn to defray the net premium relating to the 3⅛ percent notes.

NEES proposes to reflect its capital contribution to Lynn by a charge to its investment in that company, and to record its investment in the new common stocks of Lynn Gas and Lynn Electric at amounts equal, in the aggregate, to the carrying value of its investment in the common stock of Lynn.

No commissions or other remuneration are to be paid in connection with the proposed transactions. Services will be rendered at cost by the system service company, which costs are to be borne by Lynn, Lynn Gas and NEES in the amounts of $10,000, $5,000 and $600, respectively, including charges for legal services of $8,000, $4,000 and $500, respectively. In addition Lynn and Lynn Gas will incur other expenses of $500 and $8,853, respectively, the latter figure including $8,353 for Federal and State taxes.

Lynn and Lynn Gas have applied to the Massachusetts Department of Public Utilities for approval of the proposed transactions and a copy of the order entered therein is to be supplied by amendment. It is represented that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 14, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in rules 20(a) and 100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-10290; Filed, Dec. 4, 1959; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 249]

WASHINGTON

Declaration of Disaster Area

Whereas, it has been reported that during the month of November 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Washington;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: King, Pierce and Snohomish (rain and flood occurring on or about November 21, 22, 23, and 24, 1959).

Office: Small Business Administration Regional Office, Smith Tower, Room 1220, 506 Second Avenue, Seattle 4, Wash.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1960.

Dated: November 25, 1959.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 59-10316; Filed, Dec. 4, 1959; 8:51 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during December. Proposed rules, as opposed to final actions, are identified as such.

3 CFR

Page

Proclamations:
- Dec. 18, 1907 — 9559
- Nov. 24, 1908 — 9559
- Apr. 17, 1911 — 9559
- Jan. 15, 1918 — 9559
- Oct. 17, 1927 — 9559
- 1349 — 9559
- 2169 — 9559
- 2173 — 9559
- 2174 — 9559
- 2178 — 9559
- 2187 — 9559
- 2188 — 9559
- 2189 — 9559
- 2190 — 9559
- 2285 — 9559
- 2289 — 9559
- 2293 — 9559
- 3326 — 9651
- 3327 — 9763

Executive orders:
- 3820 — 9559
- 3889 — 9783
- 4436 — 9559
- 5814 — 9559
- 7443 — 9559
- 7908 — 9563, 9651
- 8531 — 9563, 9651
- 10000 — 9565
- 10011 — 9565
- 10530 — 9565
- 10849 — 9559
- 10850 — 9559
- 10851 — 9563
- 10852 — 9565
- 10853 — 9565
- 10854 — 9565
- 10855 — 9565
- 10856 — 9763

6 CFR

- 331 — 9655
- 332 — 9691
- 334 — 9655
- 464 — 9691

7 CFR

- 5 — 9778
- 81 — 9566
- 722 — 9693, 9703, 9778
- 723 — 9610
- 729 — 9611
- 730 — 9567, 9615, 9704
- 813 — 9705
- 833 — 9706
- 845 — 9706
- 850 — 9707
- 903 — 9567
- 904 — 9567
- 909 — 9707
- 914 — 9618, 9779
- 933 — 9654
- 943 — 9568
- 953 — 9708, 9780
- 996 — 9567
- 997 — 9655
- 999 — 9567
- 1015 — 9708
- 1070 — 9780
- 1102 — 9568

7 CFR—Continued

Page

Proposed rules:
- 718 — 9678
- 905 — 9742
- 987 — 9742
- 1014 — 9742

12 CFR

- 521 — 9578
- 522 — 9578
- 545 — 9580, 9657
- 555 — 9693
- 563 — 9657, 9780

14 CFR

- 40 — 9765, 9767
- 41 — 9768, 9772
- 42 — 9773, 9776
- 297 — 9580
- 399 — 9619
- 507 — 9620, 9778
- 600 — 9581
- 601 — 9581

Proposed rules:
- 40 — 9789, 9790
- 41 — 9789, 9790
- 42 — 9789, 9790
- 46 — 9790
- 507 — 9746
- 600 — 9790, 9791
- 601 — 9791
- 608 — 9792

15 CFR

- 364 — 9709

16 CFR

- 13 — 9659–9661, 9734, 9735
- 23 — 9581

17 CFR

- 257 — 9724

19 CFR

Proposed rules:
- 16 — 9785

21 CFR

- 15 — 9729
- 120 — 9619
- 121 — 9730
- 146a — 9730, 9781
- 146b — 9781

25 CFR

Proposed rules:
- 1 — 9741
- 221 — 9785
- 243 — 9785

26 (1939) CFR

- 39 — 9661

26 (1954) CFR

- 1 — 9582, 9663, 9664
- 49 — 9664

Proposed rules:
- 1 — 9587
- 48 — 9674

29 CFR

- 613 — 9620
- 687 — 9585
- 699 — 9585

32 CFR

Page

- 1 — 9710
- 3 — 9712
- 6 — 9713
- 7 — 9713
- 8 — 9714
- 11 — 9714
- 12 — 9718
- 14 — 9719
- 16 — 9719
- 30 — 9720
- 590 — 9621
- 591 — 9621
- 592 — 9621
- 596 — 9621
- 600 — 9621
- 601 — 9621
- 605 — 9621
- 606 — 9621
- 1001 — 9723
- 1464 — 9587

32A CFR

BDSA (Ch. VI):
- DMS Reg. 1 — 9595
- DMS Reg. 1, Dir. 1 — 9607
- DMS Reg. 1, Dir. 2 — 9607
- DMS Reg. 1, Dir. 3 — 9608, 9610
- DMS Reg. 1, Dir. 4 — 9610
- DMS Reg. 1, Dir. 5 — 9610
- DMS Reg. 1, Dir. 6 — 9610
- DMS Reg. 1, Dir. 10 — 9610
- DMS Reg. 2 — 9610
- DMS Reg. 2, Dir. 3 — 9610
- DMS Reg. 2, Dir. 4 — 9610

NSA (Ch. XVIII):
- AGE–2 — 9736

33 CFR

- 202 — 9782
- 203 — 9587

43 CFR

Proposed rules:
- 115 — 9677
- 161 — 9627

Public land orders:
- 750 — 9559
- 2021 — 9586
- 2022 — 9586
- 2023 — 9783

46 CFR

- 172 — 9783

47 CFR

- 2 — 9736
- 4 — 9737
- 6 — 9737
- 21 — 9737

Proposed rules:
- 3 — 9678
- 8 — 9747

49 CFR

- 193 — 9674
- 194 — 9784
- 205 — 9784

50 CFR

Proposed rules:
- 34 — 9677
- 176 — 9787